

ETHIOPIA AND THE STATE OF DEMOCRACY: EFFECTS ON HUMAN RIGHTS AND HUMANITARIAN CONDITIONS IN THE OGADEN AND SOMALIA

HEARING BEFORE THE SUBCOMMITTEE ON AFRICA AND GLOBAL HEALTH OF THE COMMITTEE ON FOREIGN AFFAIRS HOUSE OF REPRESENTATIVES ONE HUNDRED TENTH CONGRESS FIRST SESSION

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ETHIOPIA AND THE STATE OF DEMOCRACY: EFFECTS ON HUMAN RIGHTS AND HUMANI- TARIAN CONDITIONS IN THE OGADEN AND SOMALIA

TUESDAY, OCTOBER 2, 2007

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA AND GLOBAL HEALTH,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:03 a.m. in room 2172, Rayburn House Office Building, Hon. Donald M. Payne (chairman of the subcommittee) presiding.

Mr. PAYNE. Good morning. We welcome you here today. Today's hearing is on the state of Ethiopia's democracy and its affect on humanitarian and human rights situation in the Ogaden region and Somalia. Political and human rights conditions in Ethiopia have been a particular concern to this committee for some time. Congressman Smith and I introduced a bill during the last Congress to push for releases of all political prisoners, accountability and democratization in Ethiopia but Congressman Smith and I were unable to get the bill through.

As you know, in a few minutes the House of Representatives will finally take up H.R. 2003, The Ethiopian Democracy and Accountability Act. The Ethiopian Government has spent tens of thousands of dollars to lobby to kill this bill. I hope that the message goes out loud and clear: The particular group of Congresspeople in this subcommittee in Congress is not for sale.

I was cautiously optimistic in 2005 that political and human rights conditions would improve after the elections. Indeed, the elections were much better organized and highly competitive compared to previous elections, and we commended the government about this at that time. I must confess though that I was wrong because in fact conditions got worse than before.

For example, Alem, a young Ethiopian woman who I met last year in Africa said it best in her testimony last November. I had the opportunity to visit her while I went through the continent in August. I am reading this to you so that you can understand the level of suffering under this regime.

Here is what Alem said:

"On November 1, 2005, my mother was taken away from us. My father is one of those who have been elected to the Addis Ababa city council. As we were seated at lunch, armed Federal and security forces stormed into the house. They started beat-

ing my father, as they took him away. My mother walked behind them and saying that he was a peaceful man, not deserving this kind of treatment, this kind of behavior by the authorities.

“She then took a hit with a club to the side of her chest, and as she turned away she was shot in the same spot as she fell. As she was struggling to get up, they shot her again. I ran toward her, and they started to shoot at me,”

said the daughter.

“It is only by God’s mercy that I escaped, as my own mother’s eyes seemed to be pleading for help while she was fighting for her life, I was forced to run for mine and hide in a house in the neighborhood.”

The security man who killed her mother still has the job in Addis. He told them:

“I will not kill my wife twice. The father was asked in prison, and that is why he said that. To sign a paper saying that his wife died of a heart attack, and that is when he said that he would not kill his wife twice.

“He spent more time in prison because of that. Not only this man lost his wife but he also lost his daughter who had to flee the country.”

This is just one example but there are thousands like this, and I am sure you have heard about the atrocities in the Ogaden, in Oromia and Gambella. In fact, the photographs that members see in their folders are of two Ogaden women who were hanged and left for dead. You can see the scars on their necks. I guess these are the extremists and terrorists that we hear so much about by our Government officials. These are just women who live in that area, and you can still see on the neck where the ropes were.

The close ties that this administration has forged with the Meles regime have been a source of major concern to many of us. Even the State Department’s human rights reports have documented abuses. Instead, we continue to provide military assistance to the Government of Ethiopia while failing to take a consistent outspoken stance in support of democracy and human rights at the highest levels of our Government.

Instead, we have actually been apologists for the dictatorship. The Ethiopian Government has released a number of high profile political prisoners in recent months, and some people say this is progress. The fact remains that thousands of other people remain in jail. Several hundred were just arrested last month and no one has been held accountable for the deaths of nearly 200 people in the wake of the 2005 elections and repression of the opposition politicians, journalists and members of civil society just continues, almost unabated.

In April the Government of Ethiopia launched a major military campaign in the Ogaden allegedly against the ONLF yet the targets and victims have largely been civilians. Indeed, some see the Ethiopian campaign as retaliation for the attack by the ONLF in which 77 people, mainly Ethiopian security personnel, were killed. But one must go back and look at the record carefully. The attack

on the Ogaden did not start this year. In fact, the ONLF did join the current government in 1991, hoping to find a peaceful solution.

In the 1992 regional elections, the ONLF won the majority of the seats. The ONLF left the government after the current government began to kill and arrest its leadership during the early 1990s. The Ethiopian military has been engaged in numerous human rights abuses against civilians in the Ogaden and in Somalia, including killings, beatings and rapes. We will hear about them in detail from our witnesses today.

The humanitarian situation in the Ogaden and in Somalia are dire as well. On September 13, the United Nations Children's Fund warned that over 13,000 children in Somalia were so malnourished that they may die, while nearly 70,000 others suffer from malnutrition. The situation is exacerbated by the Ethiopian Government's military campaign in the Ogaden. The World Food Program's food delivery has been disrupted, the international committee of the Red Cross was expelled, and Doctors Without Borders has been denied permission to resume work in that area.

Conditions have become so dire that Ogadenis are fleeing to neighboring Somalia in search of relief. I strongly believe that the state of democracy in Ethiopia has a strong impact on what we are witnessing in Somalia and in the Ogaden today. I hope that during the course of this hearing our witnesses will discuss their understanding of the current state of democracy in Ethiopia as well as the human rights and humanitarian situation in the Ogaden.

The United States cannot afford to allow cooperation on the war on terror prevent us from taking a principle stance on democracy and basic human rights issues. I thank all of the witnesses for coming, and now turn over to our ranking member, Mr. Smith, for his remarks.

[The prepared statement of Mr. Payne follows:]

PREPARED STATEMENT OF THE HONORABLE DONALD M. PAYNE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY, AND CHAIRMAN, SUBCOMMITTEE ON AFRICA AND GLOBAL HEALTH

Good morning and welcome. Today's hearing is on the state of Ethiopia's democracy and its effect on the humanitarian and human rights situation in the Ogaden and Somalia.

The political situation in Ethiopia has been of particular concern to this Committee for some time. Congressman Smith and I introduced a bill during the last Congress to push for the release of all political prisoners, accountability and democratization in Ethiopia. As you know, today at noon the House of Representatives will take up—and I believe pass—H.R. 2003, the Ethiopia Democracy and Accountability Act, which was largely based on the prior legislation.

I will offer my apologies now for having to keep our conversation short so that I can go manage the bill during the floor debate. I was cautiously optimistic in 2005 that political and human rights conditions would improve after the elections. Indeed, the elections were much better organized and highly competitive compared to previous elections. I must confess that I was dead wrong. In fact, conditions got worse than before the election period.

Alem, a young Ethiopian woman who I met last month somewhere in Africa, said it best in her testimony last November. I am reading this to you so that you can understand the level of suffering under this regime. Here is what Alem said: "On November 1, 2005, my mother was taken away from us. My father is one of those who had been elected to the Addis Ababa City Council. As we were seated at lunch, armed federal and security forces stormed the house. They started beating my father as they took him away."

My mother walked behind them saying that he was a peaceful man, not deserving of this. She then took a hit with a club to the side of the chest, and as she turned

away, she was shot in the same spot, and she fell. As she was struggling to get up, they shot her again. I ran towards her and they started to shoot at me. It is only by God(s mercy that I escaped.

As my own mother(s eyes seemed to be pleading for help, while she was fighting for her life I was forced to run for mine and hid in a house in the neighborhood.” The father was asked in prison to sign a paper saying my wife died of a heart attack. He told them I will not kill my wife twice. He spent more time in prison because of that. Not only this man lost his wife, but he also lost his daughter.

This is just one example, but there thousands like this. I am sure you have heard about the atrocities in the Ogaden, in Oromia, and Gambella. In fact the photographs you see in your folders are of two Ogaden women who were hanged and left for dead. You can see the scar on their necks. The close ties that this administration has forged with the Meles regime have likewise been a source of unease for Congress due to the deteriorating political climate in aftermath of the 2005 elections.

The close ties that this administration has forged with the Meles regime have been a source of major concern for many people in Congress. Even the State Department’s human rights reports have documented abuses. However, we continue to provide military assistance to the government of Ethiopia, while failing to take a consistent outspoken stance in support of democracy and human rights at the highest levels of our government.

The Ethiopian government released a number of high profile political prisoners at the end of the summer. However thousands of other people remain in jail. And no one has been held accountable for the deaths of nearly two hundred people in the wake of the 2005 elections. And repression of opposition politicians, journalists and members of civil society continues.

I am worried that lack of accountability and democracy in Ethiopia has had and will continue to have a deleterious affect on the human rights and humanitarian situation in the Ogaden and Somalia.

In April, the government of Ethiopia launched a crack-down on insurgents in the Ogaden, allegedly against the ONLF. Yet, the targets and victims have largely been civilian. Some see the Ethiopian campaign as retaliation for the attack by the ONLF, in which 77 people were killed. However one must go back and look at the record carefully. The attack on the Ogaden did not start this year. In fact, the ONLF joined the current government in 1991 hoping to find a peaceful solution to the longstanding conflict in the region.

In the 1992 regional elections, the ONLF won the majority of the seats. The ONLF left the government after the current government began to kill and arrest its leadership. Let us not forget, similar things happened to the Oromo Liberation Front. And of course the two witnesses before us. They were imprisoned for more than 20 months just because they ran for office and won.

There are credible reports that the Ethiopian military has engaged in numerous human rights abuses against civilians in the region including killings, beatings and rape. We will hear about them in detail from our witnesses today. In addition, there are reports of human rights violations by the Ethiopian military in Somalia including deliberate rocket bombardment and shelling of residential areas, and pillaging and looting of civilian property.

The humanitarian situations in the Ogaden and in Somalia are dire as well. On September 13th, the United Nations Children’s Fund warned that over 13,000 children in Somalia are so malnourished that they may die, while nearly 70,000 others suffer from malnutrition.

A United Nations assessment team visited the region in early September and found that in at least two of the villages they were able to visit that there was a high proportion of malnourished children. Household food reserves were limited, if there were any at all, and there had been no food distribution in a year in some places. The situation is exacerbated by the Ethiopian government’s counter-insurgency strategy in the Ogaden. The military disrupted the World Food Program’s food deliveries, the International Committee of the Red Cross was expelled and Doctors Without Borders has been denied permission to resume work in the area. Conditions have become so dire that Ogadenis are fleeing to neighboring Somalia in search of relief.

I strongly believe that the state of democracy in Ethiopia has a strong impact on what we are witnessing in Somalia and the Ogaden today.

The legislative branch, which was crippled by the actions taken by the government after the elections, cannot provide effective oversight of the executive. That fact, along with lack of accountability for excesses committed by security forces, contribute to a sense of impunity on the part of the military and decision makers.

Before I conclude, let me make one thing clear. I am not at all ignoring the fact that rebels in the Ogaden and insurgents in Somalia have abused civilians. I in no

way condone such actions. However, as far as I am aware, we are not providing training or equipment to the rebels in the Ogaden, or insurgents in Mogadishu or encouraging them to invade neighboring countries as part of the United States global war on terror.

The United States should not allow cooperation on the war on terror to prevent us from taking a principled stance regarding human rights and humanitarian access to the Ogaden or Somalia.

I thank all of the witnesses for coming and turn now to the Ranking Member for his remarks. Mr. Smith.

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Chairman, and good morning everybody. Today, Mr. Chairman, as you know is truly a historic day for the victims of human rights abuse in Ethiopia, and for all those who believe that Ethiopians deserve better than the cruelty and repression that the Meles regime has imposed upon them.

I want to express my deepest congratulations to you, Mr. Chairman, for bringing the Ethiopian Democracy and Accountability Act to the floor later today. I believe it will be approved by the House of Representatives and will send a clear, unmistakable message to the Meles government that we know what they are doing there, and we profoundly disapprove. We believe that the people of Ethiopia, like I said, deserve better than that kind of repression.

Mr. Chairman, as you know, the Ethiopian Government is fighting an insurgency in the Ogaden region but, has carried the war to the innocent population. The Ethiopian Government has put the region under effective commercial blockade, prevented humanitarian assistance from reaching the suffering people, and expelled humanitarian nongovernmental organizations. We have reports that troops have also raped women, burned villages, and confiscated livestock on a large scale.

In Somalia, we have reports that the Ethiopian army has raped and pillaged. Of course brutality is not limited to the Ethiopian army. It is rampant in the Ogaden region and Somalia where insurgents, warring clans and terrorists all intentionally inflict misery upon the land. The U.N. high commissioner for refugees has reported that nearly 500,000 people—almost one-third of Mogadishu's population—has fled in recent months as conditions in the city have deteriorated.

But the United States Government remains the staunchest international support for the Ethiopian Government of Prime Minister Meles. Our Government supplies Meles with over \$100 million in aid every year, much of it military. We cannot do this and pretend we do not share responsibility for the human rights abuses perpetrated by the Meles regime. We cannot do this and criticize China for supporting the barbarous Sudanese regime of Bashir.

We all know that the situation in the Ogaden region of Ethiopia and in Somalia is extremely complicated, yet the moral imperative is not complicated at all. A good end cannot be justified by a bad means. While we want to deny Jihadist terrorists any platform in the Horn of Africa, we must not protect ourselves and our allies from terrorists by enabling the Ethiopian Government to visit terror on the Ogaden region or Somalia. We can only work with the Meles government if we do everything possible to change its behavior.

This means we have to be willing to do more than dialogue with President Meles. We have to be willing to withdraw aid if his government does not dramatically improve its human rights record. That is why I strongly support the Ethiopian legislation that is on the floor today, H.R. 2003, which I do believe will pass overwhelmingly in a bipartisan fashion.

This bill will withdraw certain forms of aid to the Ethiopian Government, including forms of military aid, if it does not meet certain human rights benchmarks spelled out in the legislation. The reports from Ogaden and Somalia are the latest in a long series of human rights outrages. As you know, Mr. Chairman, in August 2005, I visited Ethiopia and met with some of the opposition figures imprisoned by Prime Minister Meles.

I also met with Meles himself. I brought up the June 2005 slaughter of almost 200 pro democracy demonstrators in Addis, and the mass arrests that followed. I urged him to investigate that atrocity, to punish those responsible, and to release political prisoners. In a very cavalier attitude, Meles told me, "I have a file on all of them. They are all guilty of treason." So much for any presumption of innocence. So much for any semblance of due process of law.

We should all be skeptical of the value of a dialogue on human rights until there is reform of the man who would make that kind of comment. I believe that our Government has not pushed President Meles hard enough on human rights issues because it is satisfied that his government is cooperating with us on the war on terror. The war on terror is important but no regime that terrorizes its people can be a reliable ally in that war.

Terrorism is not just a military issue. It is also a human rights issue. Terrorists often come from countries where governments fail to respect their human rights. In permitting human rights in Ethiopia, we are attacking terrorism at its roots.

Finally, America's commitment for the respect of human rights around the world demands that we insist that Prime Minister Meles respect fundamental human rights. I again, like you and members of this committee, call upon our Government to withdraw forms of aid and support to the Meles government, and call upon Ethiopia to release its remaining political prisoners, to spare civilians in its counterinsurgency operations, and to permit humanitarian aid in the Ogaden region. Mr. Chairman, I yield back the balance of my time.

[The prepared statement of Mr. Smith follows:]

PREPARED STATEMENT OF THE HONORABLE CHRISTOPHER H. SMITH, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Thank you, Mr. Chairman, and good morning to everybody.

In the Ogaden region, the Ethiopian Government is fighting an insurgency but has carried the war to the innocent population. The Ethiopian Government has put the region under effective commercial blockade, prevented humanitarian assistance from reaching the suffering population, and expelled humanitarian NGOs. We have reports that troops have also raped women, burned villages, and confiscated livestock on a large scale.

In Somalia we have reports that the Ethiopian army has raped and pillaged. Of course brutality is not limited to the Ethiopian army. It is rampant in the Ogaden and Somalia, where insurgents, warring clans, and terrorists all intentionally inflict misery on the land. The U.N. High Commissioner for Refugees has reported that

nearly 500,000 people, almost one third of Mogadishu's population, have fled in recent months as conditions in the city have deteriorated.

But the US Government is the staunchest international supporter of the Ethiopian Government of Prime Minister Meles. Our government supplies Meles with over \$100 million in aid every year, much of it military. We cannot do this and pretend that we don't share responsibility for the human rights abuses perpetrated by the Meles regime. We cannot do this and criticize China for supporting the barbarous Sudanese regime of Omar al-Bashir.

We all know that the Ogaden region of Ethiopia and in Somalia is extremely complicated. Yet the moral imperative is not complicated. A good end cannot be justified by a bad means.

While we want to deny jihadist terrorists any "platform" in the Horn of Africa we must not protect ourselves—and our Allies—from terrorists by enabling the Ethiopian government to visit terror on the Ogaden region or Somalia. We can only work with the Meles Government if we do everything possible to change its behavior.

This means we have to be willing to do more than "dialogue" with President Meles. We have to be willing to withdraw aid if his government does not dramatically improve its human rights record.

That is why I support the Ethiopia Human Rights Act, HR 2003, which will be on the floor of the House later this morning. This bill will withdraw certain forms of aid to the Ethiopian government, including forms of military aid, if it does not meet certain human rights benchmarks, spelled out in the legislation.

The reports from the Ogaden and Somalia are the latest in a long series of human rights outrages. In August 2005 I visited Ethiopia and met with some of those opposition figures imprisoned by Prime Minister Meles, including Hailu Shawel, the Chairman of the Coalition for Unity and Democracy, the largest democratic opposition party.

I also met with Meles. I brought up the June 2005 slaughter of almost 200 pro-democracy demonstrators in Addis, and the mass arrests that followed. I urged him to investigate that atrocity, to punish those responsible, and to release political prisoners. Meles told me, "I have a file on all of them, they are all guilty of treason."

We should all be skeptical of the value of dialogue on human rights reform with a man who would make a comment like that.

I believe that our government has not pushed Prime Minister Meles hard enough on human rights issues because it is satisfied that his government is cooperating with us in the war on terror. The war on terror is very, very important; but no regime that terrorizes people can be a reliable ally in the war on terror. Terrorism isn't just a military issue, it's also a human rights issue. Terrorists come from countries where governments failed to respect their human rights. In promoting human rights in Ethiopia, we are attacking terrorism at its roots.

America's commitment to promote respect for human rights around the world demands that we prevail upon Prime Minister Meles to respect human rights. I call upon our government to withdraw forms of aid and support to the Meles government to release its remaining political prisoners, to spare civilians in its counter-insurgency operations, and to permit humanitarian aid in the Ogaden.

Mr. PAYNE. Thank you very much, and I appreciate your continued support and leadership in this area. Our first witness will be our administration witness. She is no stranger to us here, as you know. Dr. Jendayi Frazer is the Assistant Secretary of State for African Affairs. Prior to her current post, Dr. Frazer served as the United States Ambassador to South Africa.

Prior to joining the Bush administration, she taught public policy at Harvard University at the J. F. Kennedy School of Government. Dr. Frazer was in Ethiopia for the millennium and took the time to travel to the Ogaden region. We look forward to hearing your firsthand account, Dr. Frazer, of the situation, and as always, we welcome you.

STATEMENT OF THE HONORABLE JENDAYI FRAZER, ASSISTANT SECRETARY, BUREAU OF AFRICAN AFFAIRS, U.S. DEPARTMENT OF STATE

Ms. FRAZER. Good morning. Thank you, Chairman Payne, Ranking Member Smith and members of the subcommittee. Thank you

for the opportunity to discuss with you the current situation in Ethiopia and the Horn of Africa. Before examining specific questions you may have, I would like to provide some context for that discussion. United States interests in the Horn of Africa are to promote and support regional stability and effective governance, eliminate any platform for al-Qaeda or other terrorist operations, respond to humanitarian needs, strengthen democratic institutions, promote respect for human rights, and collaborate with governments to transform their countries by investing in people and creating the conditions for sustained economic growth.

In Ethiopia, United States engagement seeks to support the transition to multi party democracy, sustained economic growth and to reduce poverty, build domestic capacity to respond to humanitarian emergencies, improve access to basic education and health services and bolster regional stability. With the added complications of continued instability in Somalia to the south and the unresolved border dispute between Ethiopia and Eritrea to the north, meeting these objectives represents a considerable challenge.

Our relationship with Ethiopia reflects a history of more than 100 years of bilateral dialogue and exchange, and the administration will build on that history to work with the people and Government of Ethiopia on the full range of governance, security and development issues. The campaign period leading to the May 2005 elections was the most open and promising in Ethiopia's 3,000-year history. As the aftermath of post election turmoil fades, we are now seeing a cautious, yet motivated host of political actors who are determined to regain and build upon the advances of 2005 to further strengthen the role of democratic institutions, policies and practices in the natural fabric of Ethiopia.

The United States has persistently pressed all sides to remain engaged with legal and constitutional approaches to advance Ethiopia's democracy. With United States encouragement, the ruling and opposition parties engaged in a dialogue process that resulted in agreements to tackle some of the challenging dilemmas facing Ethiopia's democracy. These steps are unprecedented in Ethiopia and represent a monumental advancement in the political environment. However, political restrictions, including any harassment of, or impediments blocking, elected officials' access to their constituencies and restrictions on independent journalists and media outlets remain issues of concern.

The United States has developed a strong partnership with Ethiopia to foster progress in these areas. Democracy and human rights issues remain a permanent element in our bilateral dialogue with Ethiopian leaders and civil society, and United States officials raise these issues at every possible opportunity.

It is critical that we all, as stakeholders in Ethiopia's stability, democracy and prosperity, encourage all parties to move forward to regain the advances that we saw in early 2005 and to build upon them for the people of Ethiopia. While significant work remains, the Ethiopian Government has taken steps to improve respect for human rights and democratic practices. The government's recent pardon of 71 leaders of the opposition coalition for unity and democracy and members of civil society was an important event

which significantly enhanced dialogue and reconciliation in Ethiopia.

The ruling party's decision to revise parliamentary rules of procedure to allow for an increased voice for the opposition was also a significant development. These decisions have helped create a positive environment in Ethiopia. U.S. diplomatic and development initiatives, including capacity building efforts in the legislature, judiciary and executive, are contributing to these efforts, and we will continue to encourage important reforms.

In a reflection of the challenges encountered throughout Ethiopia, the situation in the Ogaden is representative and complex. In early September, I had the opportunity to visit Gode, a bleak and desolate area of the Ogaden, to see firsthand the problems and what more needs to be done to bring relief to this region. This was my second visit to the area.

The Ethiopian Government is facing a genuine security concern in the Ogaden region and has an obligation to respond. An increasingly violent insurgency is operating in the region where the Ogaden National Liberation Front and United Western Somalia Liberation Front extremists affiliated with the Ogaden faction of al-Ittihad al-Islami or AIAI and terrorists affiliated with the extremist al-Shabaab militia and remnants of the Somalia Council of Islamic Courts have stepped up their attacks against government targets, and the civilians in the Ogaden are caught in the middle.

While this is not a new conflict—in fact it dates back to before the Meles government took office—in the last year the ONLF has become more aggressive and violent. In April 2007, the ONLF conducted an attack that killed nine Chinese oil workers and 77 Ethiopians, many of whom were civilians. In May 2004, in response to the increase in ONLF attacks, the Ethiopia military initiated a counterinsurgency campaign. The Ethiopian National Defense Forces, ENDF, conducted military operations, restricted humanitarian food aid and commercial traffic to certain areas and restricted movement of rural communities.

The ONLF has also planted land mines throughout roads impeding large scale movements and disrupting the commercial trade in food and humanitarian assistance. In fact, on July 29, three aid workers were killed when their vehicle struck the land mine, illustrating the danger of operating in the area that humanitarian organizations face.

Regrettably, the actions of rebel groups, extremists and government troops alike have all taken a damaging humanitarian toll on the local civilian population. The United States has seen allegations of human rights abuses conducted by all parties, including reports of burned villages and population displacement. While we cannot confirm these incidents, it is clear that the local population is suffering from the insurgency and counterinsurgency campaigns.

The United States has raised our strong concerns in this regard with the Ethiopian Government including Prime Minister Meles. The United States also is working closely with the Ethiopian Government to open commercial trade routes between the Ogaden and Somalia, and to increase distribution of emergency food assistance.

The United States Embassy in Addis Ababa leads efforts to clarify the scope of the humanitarian situation in the Somali region,

coordinates donor meetings with representatives of the international and NGO communities, and works closely with senior Ethiopian Government officials to identify and respond to the areas of greatest need.

The United Nations recently conducted an assessment of the Somali region and determined that approximately 600,000 people will require food assistance for the next 3 months to alleviate current humanitarian needs, address food and security, and prevent a humanitarian crisis. The Ethiopian Government has responded positively to the U.N. recommendations and has requested assistance from donor partners to respond to humanitarian needs in the region. As of today, the World Food Program has the stocks necessary and commodities to meet the needs.

The United States Ambassador to Ethiopia announced on August 24 that the United States is providing \$18.7 million in humanitarian assistance for the Somali region of Ethiopia. The United States Government has provided more than \$200 million to support humanitarian programs throughout Ethiopia in fiscal year 2007, and USAID plans to provide \$25 million as an initial contribution in fiscal year 2008 via WFP in anticipation of greater needs in January and February, traditionally the most insecure months in the region.

The situation in the Ogaden also is impacted by conflicts outside of Ethiopia's borders. Continued instability in Somalia has reduced the level of commercial trade with the Ogaden, exacerbating the humanitarian situation. The ONLF has also received support and assistance from the Eritrean Government, and ONLF fighters cross the border into Somalia regularly. The Eritrean Government provides support and assistance to extremist elements in Somalia, including some with links to al-Qaeda's transnational terror network who are alleged to be supporting the ONLF or members of the ONLF.

The past war between Eritrea and Ethiopia and unresolved border dispute is negatively affecting Ethiopia, the Ogaden, and the entire Horn region. The United States has grave concerns about human rights issues in Eritrea, including democracy, rule of law, freedom of the press, and religious freedoms. Several thousand prisoners of conscience are being detained without charge indefinitely and without the ability to communicate with friends and relatives.

The Government of Eritrea has severely restricted civil liberties and arbitrarily arrested and detained individuals, including two Eritrean employees of the United States Embassy detained since 2001. Torture continues to be a serious problem. Security forces detain and arrest parents and spouses of individuals who have evaded national service or fled Eritrea.

The situation in Somalia also poses a threat to regional stability. Extremist remnants of the Council of Islamic Courts and extremist al-Shabaab militia are seeking to reestablish their influence and capacity both inside Somalia and allegedly attempting to link with Ogaden faction of AIAI and ONLF inside Ethiopia. The continued violence has taken a terrible toll on the civilian population as parties to the conflict have failed to safeguard civilians and have targeted institutions such as the media.

UNHCR has reported that 400,000 Somalis are internally displaced and living in extremely difficult circumstances with only limited access to shelter, food and medical care. We have seen positive developments over recent months including the deployment of 1,630 Ugandan forces as the elite element of the African Union mission in Somalia, AMISOM, and the positive recommendations coming out of the National Reconciliation Congress.

The United States continues to work closely with the African Union and potential troop contributing countries to support the full and timely deployment of AMISOM, which will help facilitate Ethiopian withdrawal from Somalia. The United States will continue to support a process of inclusive dialogue, however long it may last, while responding to the humanitarian needs of the Somali people and encouraging Somali stakeholders to move toward national elections at the end of the transitional period in 2009.

In addition, the United States has provided more than \$89 million in fiscal year 2007 to respond to humanitarian needs in Somalia. In conclusion, the administration has made Africa a foreign policy priority, and that includes the promotion of conflict resolution, humanitarian assistance, strengthening governance capacity, cooperation with international organizations and counterterrorism efforts. All of these elements are part of the picture when we consider the Horn of Africa subregion and Ethiopia in particular.

These and other issues facing us in Ethiopia and throughout the Horn of Africa are complex and not easily resolved. Bottom line, a political solution is needed in the Ogaden both in the region's marginalization and restore the commercial trade with Somalia to prevent a humanitarian crisis.

Our mission in Ethiopia is furthering the dialogue as well as helping to transform the Somali region's economy so that it is not forever dependent on external emergency assistance. The United States will continue to promote respect for human rights and democratic principles in our dialogue with Ethiopia while serving as a partner in addressing the humanitarian needs of vulnerable populations and seeking to resolve longstanding regional conflicts and prevent terrorists from establishing a foothold in the Horn of Africa and in East Africa. Thank you, and I am happy to take your questions.

[The prepared statement of Ms. Frazer follows:]

PREPARED STATEMENT OF THE HONORABLE JENDAYI FRAZER, ASSISTANT SECRETARY,
BUREAU OF AFRICAN AFFAIRS, U.S. DEPARTMENT OF STATE

INTRODUCTION

Good morning, and thank you, Chairman Payne, Ranking Member Smith and members of the Subcommittee, for the opportunity to discuss with you the current situation in Ethiopia and more broadly in the Horn of Africa sub-region. Before examining specific questions you may have, I would like to provide some context for that discussion.

U.S. interests in the Horn of Africa are to promote and support regional stability and effective governance, eliminate any platform for al-Qaida or other terrorist operations, respond to humanitarian needs, strengthen democratic institutions, promote respect for human rights, and collaborate with governments to transform their countries by investing in people and creating the conditions for sustained economic growth. In Ethiopia, U.S. engagement seeks to: support the transition to multi-party democracy; sustain economic growth and reduce poverty; build domestic capacity to respond to humanitarian emergencies; improve access to basic education and health services; and bolster regional stability. With the added complications of continued

instability in Somalia to the south and the unresolved border dispute between Ethiopia and Eritrea to the north, meeting these objectives represents a considerable challenge.

Our relationship with Ethiopia reflects a history of more than 100 years of bilateral dialogue and exchange. As a major bilateral donor, we are working with the Government of Ethiopia (GOE) and civil society on the full range of development issues; through this experience, we have gained an appreciation of Ethiopia's political and socio-economic trajectory. Just as there are areas of progress, such as HIV/AIDS prevention, there are areas of concern. The United States continues to place a priority on the need for improved human rights and greater political and economic freedoms in our dialogue with the GOE.

DEMOCRACY IN ETHIOPIA

The campaign period leading to the May 2005 elections in Ethiopia was the most open and promising in that country's 3,000 year history. Unfortunately, post-election violence and lengthy detention and trial of opposition members, journalists, and civil society activists cast a shadow over the outcomes of that election. As the immediate aftermath of the post-election turmoil fades, we see a cautious, yet motivated host of political actors who are determined to regain and build upon the advances of 2005 to further strengthen the role of democratic institutions, policies, and practices in the national fabric of Ethiopia.

The United States has persistently pressed all sides to remain engaged with legal and constitutional approaches to advance Ethiopia's democracy. With U.S. encouragement, the ruling and opposition parties engaged in a dialogue process that resulted in agreements to tackle some of the challenging dilemmas facing Ethiopia's democracy. These include reform of the National Electoral Board, joint government-opposition missions to investigate human rights concerns in Oromiya, revising the media law and parliamentary rules of procedure, and establishing a code of conduct for the press.

These steps are unprecedented in Ethiopia and represent a monumental advancement in the political environment. Ethiopia's political environment continues to have its vulnerabilities, but we continue to press all parties to remain committed to the process and seek to establish an environment conducive to addressing the broader development challenges facing the Ethiopian people. It is critical that we all—as stakeholders in Ethiopia's stability, democracy, and prosperity—encourage all parties to move forward to regain the advances that we saw in early 2005 and to build upon them for the people of Ethiopia.

The United States has developed a strong partnership with Ethiopia to foster progress in these areas and democracy and human rights issues remain a permanent element in our bilateral dialogue with Ethiopian leaders and civil society. U.S. officials continue to raise these issues at every possible opportunity. The Department of State recently hosted a group of opposition political leaders and Members of Parliament in Washington, which provided the opportunity for a positive exchange of views on the current state of democracy in Ethiopia. The opposition leaders reaffirmed their commitment to dialogue as the only viable path to deeper democracy in Ethiopia.

While significant work remains, the GOE has taken steps to improve respect for human rights and democratic practices following the setbacks in 2005. The government's recent pardon of 71 leaders of the opposition Coalition for Unity and Democracy (CUD) and members of civil society was an important event which significantly enhanced dialogue and reconciliation in Ethiopia. The ruling party's decision to revise parliamentary rules of procedure to allow for an increased voice for the opposition was also a significant development.

These decisions helped create a positive environment in Ethiopia. U.S. diplomatic and development initiatives, including capacity building efforts in the legislature, judiciary, and executive, are contributing to these efforts, and we will continue to encourage important reforms. However, political restrictions, including any harassment of or impediments blocking elected officials' access to their constituencies, and restrictions on independent journalists and media outlets remain issues of concern.

THE SITUATION IN THE OGADEN

In a reflection of the challenges encountered throughout Ethiopia, the conflict in the Ogaden region is complex. In early September, I had the opportunity to visit Gode, a bleak and desolate area of the Ogaden, to see first hand the problems and what more needs to be done to bring relief to this region.

The GOE is facing a genuine security concern in the Ogaden region and has an obligation to respond. An increasingly violent insurgency is operating from the

Ogaden, where Ogaden National Liberation Front (ONLF), the United Western Somalia Liberation Front (UWSLF), extremists affiliated with the Ogaden faction of al-Ittihad al-Islami (AIAI), and terrorists affiliated with the extremist al Shabaab militia and remnants of the Somali Council of Islamic Courts (CIC) are stepping up their attacks against government targets. While this is not a new conflict, in fact it dates back to before the Meles government took office, in the last year the ONLF has become more aggressive and violent. In April 2007, the ONLF conducted an attack that killed nine Chinese oil workers and 77 Ethiopians, many of whom were civilians.

Regrettably the actions of rebel groups, extremists, and government troops alike have all taken a damaging humanitarian toll on the local civilian population. The challenge for the GOE and international partners is to mitigate the civilian impacts of these events. The current situation in the Ogaden reflects the combined result of continued humanitarian crisis and years of conflict driven by a violent insurgency and fighting between government and rebel forces, as well as government restrictions on commercial trade and on mobility of civilians and non-governmental organizations (NGOs), recurrent drought and flooding, and general insecurity.

Ethiopia's Somali Region, which includes the Ogaden, has a population of approximately 4.5 million people, of which approximately 1.8 million live in five zones (Degehabur, Fik, Gode, Korehe and Warder) with severe humanitarian needs. Unfortunately, three of these zones—Degehabur, Korahe and Warder—are also where the insurgent activities are the most prevalent.

In May 2007, in response to the increase in ONLF attacks, the Ethiopian military initiated a new counter-insurgency campaign. The Ethiopian National Defense Forces (ENDF) conducted military operations, restricted humanitarian food aid and commercial traffic to certain areas, and restricted movement of rural communities. The ONLF has also planted landmines throughout roads, impeding large scale movements and disrupting the commercial trade in food and humanitarian assistance. On July 29, three aid workers were killed when their vehicle struck a landmine, which was placed by the ONLF.

The United States has seen allegations of human rights abuses conducted by all parties, including reports of burned villages and population displacements. While we cannot confirm these incidents, it is clear that the local population is suffering from the insurgency and counter-insurgency campaigns. The United States has raised our strong concerns in this regard with the leaders of the GOE, including Prime Minister Meles. The GOE is working with the Ethiopian Human Rights Commission to investigate allegations of human rights abuses in the Ogaden. The United Nations has also recommended that an independent probe be undertaken into alleged human rights violations in the region.

To address the humanitarian needs of vulnerable populations in the Ogaden region, the United States is working closely with the GOE to open commercial trade routes between the Ogaden and Somalia, which has historically provided approximately 80% of local food, and new routes through Dire Dawa, and to resume distributions of emergency food assistance in the region. The U.S. Embassy in Addis Ababa leads efforts to clarify the scope of the humanitarian situation in the Somali Region, coordinates donor meetings with representatives of the international and NGO communities, and works closely with senior GOE officials to identify and respond to the areas of greatest need.

The United Nations recently conducted an assessment of the Somali region. According to the UN World Food Program (WFP), approximately 600,000 people will require food assistance for the next three months to alleviate current humanitarian needs, address food insecurity, and avoid a humanitarian crisis. The GOE has responded positively to the UN recommendations and has requested assistance from donor partners to respond to humanitarian needs in the region. Medical supplies are also in great demand and health care, and the international community is seeking to respond to the GOE's request for assistance.

The U.S. Ambassador to Ethiopia announced on August 24 that the United States is providing \$18.7 million in humanitarian assistance for the Somali region. The U.S. government provided more than \$200 million to support humanitarian programs throughout Ethiopia in fiscal year 2007. U.S. food aid is currently available in Ethiopia and will be distributed over the coming months. Additionally, the U.S. Agency for International Development (USAID) plans to provide \$25 million as an initial contribution in fiscal year 2008. This contribution will be made through WFP in anticipation of greater food needs in January and February, traditionally the most food insecure months in the region.

REGIONAL INSTABILITY—ERITREA AND SOMALIA

The situation in the Ogaden is also impacted by conflicts outside of Ethiopia's borders. Continued instability in Somalia has reduced the level of commercial trade with the Ogaden, exacerbating the humanitarian situation in Ethiopia. The ONLF also receives support and assistance from the Eritrean government, and ONLF fighters cross the border into Somalia. The Eritrean government also provides support and assistance to extremist elements in Somalia, including some with links to al-Qaida's transnational terror network who are alleged to be supporting the ONLF.

The past war between Eritrea and Ethiopia and unresolved border dispute is negatively affecting Ethiopia, the Ogaden, and the entire Horn region. The unresolved border dispute between Ethiopia and Eritrea remains an ongoing threat to regional stability. Unfortunately, the demarcation process outlined in the Algiers Agreement of December 2000 has come to a standstill. The result has been President Isaias attempting to overthrow the Meles government by supporting Ethiopian insurgents. The border remains a fault line.

The United States, the other Witnesses to the Algiers Agreement, and other interested actors recently encouraged both parties to agree to resume cooperation with the Eritrea-Ethiopia Border Commission (EEBC). We are disappointed that no progress was made at the September 6-7 meeting of the EEBC; however, we continue to urge the parties to accept the offer of Secretary General Ban Ki-moon to engage with them to help lessen tensions along the border and move toward normalized relations.

The United States also has grave concerns about human rights issues in Eritrea, including democracy, rule of law, freedom of the press, and religious freedoms. Fourteen years after independence, national elections have yet to be held, and the constitution has never been implemented. Several thousand prisoners of conscience are being detained without charge indefinitely and without the ability to communicate with friends and relatives. The government has severely restricted civil liberties, and arbitrary arrest, detention (including two Eritrean employees of the U.S. Embassy detained since 2001), and torture are serious problems. Security forces detain and arrest parents and spouses of individuals who have evaded national service or fled the country, despite the lack of a legal basis for such action.

The situation in Somalia also poses a threat to regional stability. Extremist remnants of the Council of Islamic Courts and the radical al Shabaab militia are seeking to reestablish their influence and capacity both inside Somalia and allegedly attempting to link with the Ogaden faction of AIAI and the ONLF inside Ethiopia. Despite these concerns, we have seen some positive developments over recent months, including the deployment of 1,630 Ugandan forces as the lead element of the African Union Mission in Somalia (AMISOM) and the positive discussions of the National Reconciliation Congress.

The continued violence in Somalia has taken a terrible toll on the civilian population as all parties to the conflict have failed to safeguard civilians and have targeted institutions such as the press. The UN High Commissioner for Refugees (UNHCR) has reported that some 400,000 Somalis are internally displaced and living in extremely difficult circumstances with only limited access to shelter, food, and medical care. The United States has provided more than \$89 million in fiscal year 2007 to respond to these and other humanitarian needs driven by the ongoing complex humanitarian emergency in Somalia.

The United States continues to work closely with the African Union and potential troop-contributing countries to support the full and timely deployment of AMISOM, which will help facilitate Ethiopian withdrawal from Somalia. The United States supports a process of inclusive dialogue, however long it may last, while responding to the humanitarian needs of the Somali people and encouraging Somali stakeholders to move towards national elections at the end of the transitional period in 2009.

CONCLUSION

The Administration has made Africa a foreign policy priority, and that includes the promotion of conflict resolution, humanitarian assistance, strengthening governance capacity, cooperation with international organizations, and counterterrorism efforts. All of these elements are part of the picture when we consider the Horn of Africa sub-region and Ethiopia in particular.

These and other issues facing us in Ethiopia and throughout the Horn of Africa are complex and not easily resolved. Bottom line: A political solution is needed in the Ogaden that will both end the region's historic marginalization and restore the commercial trade with Somalia to prevent a humanitarian crisis. The United States will continue to promote respect for human rights and democratic principles in our

dialogue with Ethiopia, while serving as a partner in addressing the humanitarian needs of vulnerable populations and in seeking to resolve longstanding regional conflicts, and prevent terrorists from establishing a foothold in the Horn and East Africa.

Thank you, and now I would be happy to take your questions.

Mr. PAYNE. Thank you very much. The recent release of the Molbrahim report puts Ethiopia in the bottom half of governance rankings across the continent. The committee to protect journalists put Ethiopia as number one on the list of 10 countries where press freedoms have deteriorated over the past year, and the State Department's country report on human rights in 2006 states that there have been "unlawful killings and beatings, abuse and mistreatment and detainees of opposition supporters by security forces and arbitrary arrest, detections particularly of those suspected of sympathizing with or being members of the opposition."

What is your assessment of the state of democracy in Ethiopia today? And in what way could it be improved? What exactly, if anything, are we asking the Ethiopians to do in terms of accountability for the deaths of nearly 200 people at the hands of the security force in 2005?

Ms. FRAZER. Thank you, Congressman Payne. My assessment of democracy in Ethiopia today is that it is a work in progress, and that is true of many countries in Africa, and certainly many countries that are starting this process of building the institutions necessary to create the real foundation for democracy. As I said in my testimony, Ethiopia had an extremely open process, a very open lead up to the 2005 elections, and a very disappointing post election result.

It takes everybody—the government, civil society, political leaders, the international community—to be a part as stakeholders in trying to assist the Ethiopian Government in the promotion of its democratic progress. I would say that the United States most certainly is playing its role. We provided about \$307 million in assistance to Ethiopia in 2006 and in 2007, and, of that assistance, the majority invests in people and economic growth, supports civil society and NGO activities. It is not, in fact, on military assistance to Ethiopia.

In fact, our peace and security budget is only \$5 million of the \$300 million that we provide to Ethiopia, and so the majority is on health, education, supporting civil society, and in fact all of that money goes to Ethiopia through NGOs. None of it is provided directly to the Government of Ethiopia.

So we have a ways to go in terms of trying to assist Ethiopia in its democratic progress. I would say—since you put it in the context of the Ibrahim index—you will find that most of the countries that have insurgencies operating in their country that are in a situation in which their neighbors are supporting civil war and insurgency will have lower rankings on their democratic index and their human rights index because they are in a situation of fighting insurgencies and military operations.

What are we trying to do with the government? Assisting generally in strengthening institutions but also pushing it to hold accountable those members of its security forces, whether they be police or military or paramilitary who have been involved in any human rights abuses. We would ask every government to hold

their forces accountable for any such abuses, and that those abuses will occur is certain in situations of insurgency. And you will find that the countries that have those insurgencies are the lowest ranking on any democracy index.

Mr. PAYNE. In your opinion then, who is assisting the ONLF?

Ms. FRAZER. I think the ONLF is getting assistance from many different sources. As I said in my testimony, we are seeing increasing information that suggests that ONLF goes in and out of Somalia. Al-Ittihad al-Islami is operating in Ogaden. It is probably linking up with members of the ONLF trying to procure weapons and assist the fight against the Ethiopian Government.

We are also seeing evidence of—as I said—members of the al-Shabaab and remnants of the Council of Islamic Courts also trying to link with the ONLF, and so, I think that they are getting assistance from those non-state actors as well as from the Government of Eritrea which has traditionally fostered insurgencies in neighboring countries—not only in Ethiopia but also in Sudan.

Mr. PAYNE. Is it not true that the ONLF prevented people from Islamic Courts Union that were trying to flee the violence in Somalia from coming into the Ogaden? They said they did not want to have them involved. That their Ogaden problem is their problem with Ethiopia. As a matter of fact, the ONLF never wanted to be succeeded from Ethiopia. They simply wanted to have their people treated as other Ethiopians. The information I received was that they were not welcome in the Ogaden. You are saying that the Islamic Courts are active there.

The thing that surprised me is that you cannot confirm the things that Ethiopia does but everything that Eritrea and Somalia do is confirmable. In your testimony you cannot confirm what is happening in the Ogaden.

A recent Voice of America report states that international aid agencies have accused Ethiopia of denying humanitarian access to the region where civilian casualties are said to be heavy. The rebels said that the government troops are imposing an economic blockade, creating a manmade famine. The Ethiopian Government denies that, but I am confused.

Doctors Without Borders have been eliminated. The U.N. cannot go in the region but according to you everything is unconfirmed as to what Ethiopia is doing. However, it is strongly confirmed as relates to Eritrea, Somalia, ICU, and groups that operated 20 years ago, and so I am just confused about the lack of any kind of confirmation that the Government of Ethiopia is doing one thing wrong.

Ms. FRAZER. I think if you read my testimony——

Mr. PAYNE. I read it.

Ms. FRAZER. It certainly is as I stated it. I clearly said “the alleged relations” between ONLF and the al-Shabaab, that is what I said. We take very seriously confirmation of information, and so I very clearly said “alleged.” Certainly we are continuing to follow the intelligence leads.

I also said that the Ethiopian Government prevented commercial trade from taking place between the Ogaden and Somalia. That is in my statement. I think that that says it has happened. What I have found is that there are reasons for things happening, some of

them good, some of them bad, most of them we have to work on but I think that you will find in the testimony that I just stated affirmative facts about what the Ethiopian Government has done, affirmative facts about what the Eritrean Government has done, and where we have allegations, allegations.

I was also very clear to say ONLF members. I am not saying the ONLF as an organization has taken a decision to cooperate with these remnants of the Courts, the al-Shabaab. What I was said ONLF members have done so. They go in and out of Somalia, and certainly the al-Shabaab is also trying to take advantage of the situation in the Ogaden. It is very clear that the Eritrean Government has supported the ONLF. That is not an allegation. That is a statement of fact. So where we do not have confirmation of fact, I say allegation, and certainly we will try to follow up to confirm all of it.

Mr. PAYNE. Now you said that the Ogaden needs a political solution. Have you met with Ogaden people?

Ms. FRAZER. Yes.

Mr. PAYNE. It was clear that you did mean——

Ms. FRAZER. I meant Eritrea. Thank you.

Mr. PAYNE. I know it.

Ms. FRAZER. I appreciate it. Thank you, sir.

Mr. PAYNE. I caught it, and that is why I did not mention it because I know what you meant.

Ms. FRAZER. Yes, thank you.

Mr. PAYNE. But the Ogaden, what has the administration done to try to assist in a political solution? Have you met with the Ogaden ONLF people at all? In Sudan when the north/south civil war went on for 20 years, it was the United States that took an initiative to have the talks where they would try to have talks between the factions.

The ONLF have indicated that they want to be a part of Ethiopia, and they are willing to have negotiations. However, no one seems to be interested in a dialogue. Have you had any? I met with the head of the ONLF right here in Washington a week ago. Has there been any movement on the part of the administration to try to come up with a solution?

Ms. FRAZER. Yes, there has been. We have encouraged the ONLF to renounce violence. We have encouraged them to try to take their concerns about the Ogaden through a political dialogue but they have not yet done so, and so we think it is extremely important.

Mr. PAYNE. But they tell me they are willing to do that, and I wonder if the State Department is willing to use its good to intercede.

Ms. FRAZER. Well, absolutely, and ONLF members have met with people at the Bureau. I have certainly met with political leaders in Ethiopia who represent the Ogaden region. They may not be ONLF. ONLF is not the voice of the Ogaden region. It is one voice but it is not the sole voice. It is an organization that has killed international workers and planted land mines.

Mr. PAYNE. All right. My time is expiring, but the Government of Ethiopia killed 200 people in the streets. I mean, we do not like killings anywhere but we continually talk about everything the ONLF has done, and actually on the 25th of September with 10

other members, we sent a letter to the President of our country recommending that the President personally request the Ethiopian President, Meles Zenawi, allow a team of United Nations human rights experts and independent human rights organizations full and unfettered access to the Ogaden to investigate claims of abuse, and that he have the State Department initiate negotiations between the Ethiopian Government and ONLF to achieve a peaceful settlement.

We talk about the situation festering, and I think that we are not doing enough to urge the government to have some dialogue. The ONLF said that they are willing to stop the military insurgency, and that they are willing to enter into negotiations with the government. The government has not allowed it.

My last question because we are going to have the bill on the floor and I have to leave. I am going to allow the ranking member to have as much time as I had, and then we will speed through unfortunately any other witnesses. But just the last question regarding the Eritrea. I see where you were quoted in the paper saying that Eritrea should be placed on the terrorist list, and I just wonder you know that is a serious situation. I am just wondering what evidence we have that suggest this is necessary?

I think when we take countries and isolate them, do not have negotiations with them, do not discuss them and push them in a corner we are certainly not moving toward trying to have a solution, and I wonder what evidence there is that Eritrea should be placed on the state sponsor of terrorism list.

Ms. FRAZER. Well, Mr. Chairman, I did see in the newspaper where members or where staff like Ted Dagne and others have said that Eritrea has been very cooperative on terrorism. Well, that may have been at a time but the clearest evidence of Eritrea's support for terrorism is the fact that Hassan Dahir Aweys was sitting in Asmara at the invitation of the Government of Eritrea. He is an individual who is designated under our Executive Order 13224 as a terrorist as well as under U.N. Security Council Resolution 1267 as a terrorist.

So if there was any question about my statement about their support, the fact that Eritrea allowed him to come to their country and sit on the stage is clear evidence countering Ted's claim that Eritrea is a country where fighting extremists and terrorists was a priority. Well, clearly it is not anymore, and the priority is to take down Prime Minister Meles, and they will associate with any extremist terrorist organization to do so, including supporting Aweys and others who are part of the al-Shabaab who have been sitting in Eritrea, who have been trained by Eritrea, who have been armed, financed and supported by Eritrea.

Mr. PAYNE. And just let me conclude my questioning by saying that we supported the warlords, gave them weapons, and gave them money when those accused of bombing our Embassies in Kenya and Tanzania were there in Somalia when these warlords controlled Somalia. So if we want to start giving examples of people we supported, we should keep in mind that the same ones that brought the Blackhawk down and killed our rangers are the same ones the Bush administration decided to support.

In spite of the fact that we knew that these persons accused of the Embassy bombings were in cozy with the warlords that we supported. So when you bring out Ted Dagne from Congressional Research Service and something that he said, I think that if we want to get into a debate—and maybe we need to have one at some time where we have more time—because there is a counterbalance for every question and every instance that you use, I could give five others of something this administration has done that has made the situation even worse. With that, I will yield to the ranking member, and I just hope that—well, I will get to that later. Go ahead, Mr. Smith.

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Chairman. Secretary Frazer, welcome to the committee again.

Ms. FRAZER. Thank you.

Mr. SMITH OF NEW JERSEY. Let me ask you, if I could, you mentioned in your testimony that the recent pardon of 71 leaders of the CUD and members of civil society was an important event which significantly enhanced dialogue and reconciliation in Ethiopia. I wonder if you could tell us how many political prisoners remain in Ethiopian jails? What are we doing to assist those individuals? I know of some, and I know you know of some, if you could give us a number, to the best of your ability.

And what exactly are we doing to effectuate their release? For example, these 71, you know Chairman Payne and I and others in the Congress continually appealed to Meles for their release. The only reason why this legislation—important as it is—is on the floor today is because the festering sore of repression has not gone away. And as to reconciliation, if it is in any stage it is certainly in the beginning stages, nowhere near a mature stage. How many people still remain in prison?

Ms. FRAZER. I do not know how many political prisoners remain in prison. I know that as far as our Embassy has informed me all of the political leaders have been released. Seventy-one political leaders have been released. Political prisoners I do not know in general how many political prisoners are in prison in Ethiopia.

What are we doing? Certainly we urged and promoted and supported the Elders' initiative that led to the release of the political leaders. We thought it was extremely important to deal with it through this quiet dialogue. It was effective to do so, and it could be counterproductive to try to push the government publicly. We continue to raise these concerns privately. I do when I meet with Prime Minister Meles and other officials in Ethiopia. Our ambassadors have done so and continue to do so. You yourself have done so when you have met with the Ethiopian Government officials. So we will continue that dialogue.

We are also supporting efforts to try to, as I said, strengthen the institutions of democracy, including the judiciary. I think Ethiopia's judiciary has been notorious for a slow process, and we urge the government to bring charges against those who were detained or in prison, and then to bring them to trial. We all talk about the independence of the judiciary. So we are in an uncomfortable situation of pressuring the government to release people who actually have charges against them and a pending trial.

Prime Minister Meles said with the political leaders, let the trial end. I thought the charges were too much. Genocide, I think, is a huge charge. I do not think that was an appropriate charge but let the judicial process go through independently, and then, at the end of that the President as a political leader, has a constitutional right to pardon, which is what he did with the 71.

So I think that if we are going to strengthen institutions we need to help the judiciary to carry out its caseload much more quickly than it does. We need to continue to support human rights organizations who are working with judges and with the security forces. We do not do police training but encourage those who are working with the police forces to have them bring the proper charges, if they see criminality.

When you are having demonstrations, destruction of property and all these things, criminal charges can be brought but the charge should be destruction of property, not genocide. So I think that we need to work on strengthening the capacity of those institutions.

MR. SMITH OF NEW JERSEY. Could you provide the committee—perhaps get back to our Embassy—with a list of the names of those that we construe to be political prisoners? It would be very helpful to know who remains behind, and again the whole idea of charges, I remember when Nicolae Ceausescu, the dictator in Romania, made a statement that there will no longer be any more political prisoners, and everybody thereafter who were in political opposition were arrested for some other trumped up charge.

We have to be very careful whether or not we accept, in a compromised regime like this, when the allegation of a charge, like destruction of property, is made, and so if you could get back to us with the requested list. I know quiet diplomacy has a place but, with all due respect, I remember it was made during the Reagan administration—quiet diplomacy was the way to try to get the Apartheid regime and to mitigate the abuses there.

Frankly, I disagreed with it, and voted for sanctions, felt it was the way to go because there comes a time when a line is crossed when people are being raped and treated with torture that quiet diplomacy is not a valley, and so while I understand the administration's approach, I would hope that you know support of today's legislation, for example, which has a very generous waiver in it, if the President sees fit to exercise it.

I would hope the President would support this legislation because I do think, like the Belarus Democracy Act, like other bills that are pending before the Congress, the Vietnam Human Rights Act, that these are deep expressions of Congress. This is not anything that is trivial or frivolous. It is bipartisan, and it is because we believe so passionately that the time has come. The line has been crossed, not by us, but by Meles.

So I would ask you—you might want to respond to that or not—but we certainly would hope that the administration would support this legislation because we do think it has an excellent shot in the Senate as well.

And again, I was struck—as you I am sure have been struck or maybe he does not speak to you in that way—by Meles' cavalier attitude that if he disagrees with you, you are a committer of geno-

cide or you have committed some grave atrocity. He said he had treasonists, allegations that he could make stick on virtually anybody and everybody to whom he wanted it to stick. He could probably make it stick on Don Payne and I as well. It is pretty easy to make those allegations but when you have the courts in your hip pocket, it is not hard to get convictions either.

But the commission had found egregious wrongdoing. They concluded that 763 civilians were injured, 193 were killed, 71 police officers were injured and 6 were killed. About 30,000 civilians were detained—that is, some were detained, some were tortured and some prisoners were killed.

They found that the government security forces use excessive force against civilians. Of course it was many, many months ago that that finding was made by the 11 member commission, and I am wondering what has been done, and what are we doing to try—you know justice certainly does not have a statute of limitations—to hold those responsible, those security forces responsible who perpetrated these crimes. My sense was that Meles felt he could outlast the international community.

After the inquiries and after the anger and angst begins to dissipate, we in the international community will just move on, turn the page and say, what was that again? So I ask you: What have we done to try to make sure that people are held responsible for those killings? And also with regards to military aid and military training, what do we do to ensure that none of our material, our training, is being used to commit human rights abuses? Do we track it?

Those that we train, do we follow them to ensure that when they get out into the field they are not committing atrocities? Is there any kind of accountability with regards to the military supplies and training that we provide?

Ms. FRAZER. Thank you. On the first issue about the legislation, I thank you for the opportunity. Certainly we support the spirit of the legislation in terms of trying to promote democracy, human rights in Ethiopia. This is certainly a bipartisan goal.

Where we differ in terms of the legislation is we feel that it directs us to program activities which we are already doing and could therefore reduce the flexibility of USAID in the type of democracy and human rights promotion projects that they have already underway, and authorizes another \$20 million but it does not appropriate it. If the money is appropriated, that would be extremely helpful. But those are at least two of the concerns—the way in which it directs to activities which, frankly, USAID is already funding and supporting.

On the issue of what are we doing to hold the security forces responsible and, I mean, at some point obviously we have to hold the Government of Ethiopia responsible or encourage them to hold their security forces responsible. You mentioned the Apartheid regime in South Africa and your disagreement with the Reagan administration. None of the officials of the Apartheid regime are being held accountable by the United States Government. They were held accountable by an internal process in South Africa, the Truth and Reconciliation Commission.

Mr. SMITH OF NEW JERSEY. If the gentlelady would just suspend for a moment. My point was that when we joined the sanction regime, we stopped enabling and empowering a regime that was committing what I consider to be an abomination. So while we did not hold them accountable in a court of law or through a commission process, we took away the financial lifeline that kept them afloat.

Ms. FRAZER. And as for the financial—

Mr. PAYNE. In addition to that, Mr. Chairman, we were not supporting the government militarily and financially and so forth, the Government of South Africa.

Ms. FRAZER. And specifically to the issue of our financial assistance, as I said before it is \$5 million out of \$300 million, and the majority of that \$5 million is actually on conflict resolution, conflict mitigation efforts. About capacity building, we are trying to help the Ethiopian military with border and immigration control, making sure that groups that have ill-intent to all of us are not able to get into the Ethiopian airports, plant bombs there; we are trying to prevent these terrorist groups from going back and forth across the border.

In fact, if we could further stop contraband from coming in from Somalia to the Ogaden we could increase the commercial food delivery. So we have really very small security assistance program. The majority of our money to this government is going to investment and health and education. The biggest part is the emergency plan for AIDS relief, President Bush's effort to help the Ethiopian people address the HIV/AIDS conflict, and so very, very little.

We are also doing some work on professionalizing the military through the war college, staff training, education programs in classrooms and curriculum development. Frankly, given the partnership that Ethiopia has had with us on counterterrorism, our assistance on that front is woefully small.

Mr. SMITH OF NEW JERSEY. I have a number of additional questions. I think we have to report to the floor.

Mr. PAYNE. No. But that bill is going to come up in a short time so I want to get through and maybe we could ask other questions because we are going to run out of time. They are going to be calling us for the—

Mr. SMITH OF NEW JERSEY. Okay. Real, real quick then.

Mr. PAYNE. Okay. Go ahead.

Mr. SMITH OF NEW JERSEY. If the committee could know: How are we tracking those who get training in the war college? We have had situations like this in Indonesia where we provided training, and then when Suharto's regime fell and Habibie came in, people were being killed in the streets, and some of that training looked an awful lot like what we were training in terms of urban guerilla warfare. So I—

Ms. FRAZER. We are not doing that type. We are trying to develop their curriculum.

Mr. SMITH OF NEW JERSEY. Okay.

Ms. FRAZER. Curriculum development.

Mr. SMITH OF NEW JERSEY. If we could get that for the record it would be very helpful.

Ms. FRAZER. Sure.

Mr. SMITH OF NEW JERSEY. I have other questions but we are out of time. Thank you.

Ms. FRAZER. Sure.

Mr. PAYNE. Thank you very much. Ms. Woolsey, do you have a question?

Ms. WOOLSEY. I have given up my time.

Mr. PAYNE. Okay. So that we can get to Mr. Tancredo. Let me just make a point too. I am sure that Dr. Frazer realizes that this bill authorized but it does not appropriate. As I am sure you know, no authorizing bill appropriates. That is why we have the Appropriations Committee. No authorizing legislation appropriates. That will be done, hopefully, by the Appropriations Committee. I just want people in the audience to understand that that is how the legislative process works. You authorize funding, and then it is appropriated. Mr. Tancredo.

Mr. TANCREDO. Thank you, Mr. Chairman, and I only have one question and that is this: We have from time-to-time heard testimony in this committee from the State Department on a variety of issues dealing with specific countries, in Africa in particular, in which the justification for our support of those particular governments is based upon—to a certain extent anyway—their support for our side in the war against radical Islam.

It is a question I have that really has never been satisfactorily answered and that is this: Is there a specific criteria that the State Department uses to determine at what point we become an apologist for a country that otherwise would not be the case? That is to say, if that one factor—their support for our efforts in the war against radical Islam—if that were not there, we would be on a decidedly different relationship with them. We would be antagonistic about them because of their human rights abuses.

Is there some criteria, specific criteria that the State Department uses to determine at what point we change from being antagonistic because of their human rights abuses to being supportive, even though they have, because it seems quite confusing to me. In certain conditions we, in certain situations we seem to overlook these human rights abuses and others we do not. I think this condition here in Ethiopia, for existence, and on the other hand the MEK where we have them on the terrorist watch list, we refuse to participate with them, and yet of course for years they have done absolutely nothing that poses a threat to the United States but they have acted inside Iran, and we are protecting them in one area in Iraq.

It just seems like such a confusing policy, and all I am trying to do is determine whether there is actually a policy or whether it is a totally subjective analysis case-by-case, this country has done just about enough to get us into the position of supporting their efforts, and this group or this country has not. Can you tell me that? Can you help me understand what the thinking process is inside the State Department to determine which countries we will support, even if their human rights abuses are as identified in these reports in Ethiopia?

Ms. FRAZER. There is no such criteria and nor is it subjective because as the chairman clearly pointed out, our human rights report speaks very clearly to the human rights concerns of the United

States Government in Ethiopia, just as it does for other countries around the world, and so there is no point at which we will ignore human rights of a country because of their assistance on other areas.

Our relationship with Ethiopia is a complex relationship. It is a multifaceted relationship. It is not solely a relationship based on the terror threat in the Horn of Africa. It is in fact a much more complex relationship, and so we continue to engage them on issues of democratization, on issues of human rights. As I said, the majority of our budget, of the \$300 million that we provide, is on those other areas.

It is not in fact on support on terrorism, and so there is no point at which we will ignore a country's human rights record or its democratization record. We are, in fact, involved and engaged in trying to strengthen those institutions, urge the government to hold accountable those in its security forces that carry out abuses, just like we do governments around the world. So to your question, there is no point at which we will ignore. There is no point at which a country crosses and therefore is no longer subject to our concerns about human rights and democratization.

Mr. TANCREDO. I appreciate that, and I appreciate the fact that in the country reports there are references to these abuses. I must tell you that there does seem to be, from time-to-time, a significant difference in terms of the reports that are produced by the Department of State about these countries and the actions that follow them.

A report stating something, stating the outrageous events and that there is opposition to it is one thing but it becomes a very confusing situation for I think for Members of Congress to understand how on the one hand those reports can identify such atrocities, and on the other hand, we can identify also actions taken on the part of our Government to support those governments. It is just a confusing situation. That is all I am suggesting, and it is I think likewise confusing for even the State Department to explain. Thank you, Mr. Chairman. I have no other questions.

Mr. PAYNE. Thank you very much. Dr. Boozman.

Mr. BOOZMAN. Thank you, Mr. Chairman. And very quickly in the past you have said that the United States is considering declaring Eritrea a state sponsor of terrorism. One of the groups that they are sponsoring is the ONLF. Do you consider the ONLF a terrorist organization?

Ms. FRAZER. We have not made that determination. I think that we really looked at the ONLF differently after the killing of the Chinese workers in the Ogaden but we have not declared it a terrorist organization. I think that the Ethiopian Ambassador has raised concerns about double standards, and when this group is attacking and killing Ethiopians, it is ignored but to your specific question, no we have not defined.

Mr. BOOZMAN. So we have not really done that but that is something that you are very definitely watching and considering that perhaps that that designation might fit?

Ms. FRAZER. I think that the ONLF should really take a moment to pursue the track that Congressman Payne set out, which is to renounce violence, to try through negotiation and through political

dialogue to address the concerns of the people of the Ogaden, the marginalization, the humanitarian concerns and human rights concerns. They are at a critical juncture, and a utilitarian effort to get resources from any old group including AIAI and al-Shabaab will put them in a very dangerous path. So, certainly I think this is a critical moment for the ONLF.

Mr. BOOZMAN. Thank you, Madame Secretary.

Ms. FRAZER. Thank you.

Mr. BOOZMAN. Thank you, Mr. Chairman.

Mr. PAYNE. Thank you very much. Mr. Smith has a very quick question he wants to ask.

Mr. SMITH OF NEW JERSEY. The 1,600-plus peacekeepers in Somalia, they are doing a wonderful job, but I am sure they are under resourced. What are we doing to get that to 8,000? And the Ogaden U.N. human rights investigation, you mention it but you do not say whether or not it is going to happen, whether or not you think it will happen. What are we doing to try to promote that so that we get an independent look there as well?

Ms. FRAZER. Yes, thank you. We are working. We are training two battalions of Burundians right now. That training perhaps will come to an end I think on October 5 or so, and then we are looking at equipping and deploying those forces to Somalia. Secretary Rice, in her meeting with President Yardua at the UNGA, also asked him again about sending a battalion. He said that they are training right now. So they are looking at putting forces in as well.

And in her meeting with President Kudfor, she also discussed the Ghanians putting forces in, and we are going to send planners to Ghana to try to prepare their forces for going in. So we are actively looking to other African countries. We are also urging the U.N. to do planning for a possible takeover of the Amisom Force in the future.

So we are working on it. Our Ambassador Don Yamamoto has informed me that the Ethiopian Human Rights Commission or committee is supposed to go to the Ogaden—or may even have gone—to investigate these allegations. We support the U.N. call for an independent investigation of human rights abuses in the Ogaden as well.

Mr. PAYNE. Thank you very much. And I would hope that there could be an independent investigation. As you know, there was a committee to investigate the killings, and when the committee came up with their findings, the Meles regime said to change it, and the judge who was chairman said he would not, and some commissioners left Ethiopia because they knew they would have been put in prison or killed.

So how are you going to have the Government of Ethiopia sending a group to the Ogaden to investigate? It needs to be an impartial United Nations group or someone who can be independent even if it is IGAD, or someone. That is like the fox watching the chicken coop. Ms. Woolsey, did you have a question?

Ms. WOOLSEY. No, Mr. Chairman. I was just futzing because I yielded my time so we could get to the next panel.

Mr. PAYNE. Okay. Thank you. So noted. Let me thank you again, Madame Secretary. As you can see, we have some very strong feelings, and we hope that we can work with the administration to try

to correct some of these situations. I think that the Horn of Africa is very, very important. However, we cannot let one group take guns and brutalize its people, and then say to the other groups that do the same that we are going to put them on a terrorist list.

If they go on a terrorist list, then put the Government of Ethiopia on the terrorist list or do not put any of them on the list but we cannot have—as it was mentioned by Mr. Tancredo—this uneven, very confusing, totally difficult to understand so-called policy. I do not think it helps us.

We are all trying to see that Africa is secure, the Horn is secure. We all have the same goals and objectives that the administration has. We are all American Government officials. However, we do have some questions in the manner in which the issues are resolved and dealt with. But once again, we always appreciate your availability, and we will certainly be back in touch with you.

Ms. FRAZER. Thank you, Chairman Payne.

Mr. PAYNE. Thank you.

Ms. FRAZER. And let me just say that my first responsibility is to the security of American citizens, and the Ethiopian Government is not threatening, through terrorist action, any American citizen. The Eritrean Government is supporting groups and individuals who have been responsible for planning attacks against our mission, and planning the attacks that bombed our Embassies in Kenya and in Tanzania as well as hotels in Kenya where our tourists go, and so that is my very first responsibility, and I will put on the terror list, after the thorough interagency investigation, any government that threatens American citizens. That is my first responsibility.

Mr. PAYNE. Well, thank you very much, and I wish you had put the warlords in Somalia on that list before, and then there would have been some consistency in your so-called policies. Thank you very much. Let us have our next panel, please.

[Pause.]

Mr. PAYNE. We will have our second and final panel. Our first witness on this panel is Mr. Saman Zia-Zarifi, who is Human Rights Watch's Washington Advocate. Since joining the organization in 2000, he has conducted numerous investigations on human rights issues surrounding terrorism and counterterrorism as well as mission in conflict including Afghanistan, Pakistan and Iraq. Prior to joining Human Rights Watch, he was a senior research fellow at the Department of International Law at Erasmus University in Rotterdam, the Netherlands, where he conducted a special project on multinational corporations.

He holds a BA and a JD from Cornell University, a degree in international law from New York University and practiced for several years with corporate litigation in Los Angeles.

Our second witness is Mrs. Fowsia Abdulkadir, who is chair and founding member of the Ogaden Human Rights Committee of Canada. The Ogaden Human Rights Committee is a community based organization dedicated to advocating for basic human rights in the Ogaden region of Ethiopia. She has a master's degree in social work and public health, and in Canada she has worked as a program evaluator and performance measurement analyst. She focuses

on the role of women in governance in conflict resolution on the Horn of Africa.

Our third witness is Mrs. Bertukan Mideksa, who is vice chair of the Coalition for Unity and Democracy. She was one of the political prisoners who was recently released. I met her in prison in 2006. She was very courageous and principled, and a person that wrote a letter which I was going to go through but time does not allow me. I would just like to commend her for her courage. Thank you for being here.

Our next witness is Mr. Berhanu Nega, who was born in Ethiopia in 1958, and has been a lifelong political activist. During his freshman year at Addis Ababa University, he participated in a student movement openly advocating for democracy and human rights issues. The former oppressive military regime responded with a crackdown that resulted in the death of numerous student activists.

Berhanu was forced to flee the country in order to avoid prosecution by the military authorities. He lived as a refugee in Sudan for 2 years until he was granted political asylum in the United States. While in the United States, he completed his undergraduate studies in economics at State University of New York and received his Ph.D. in economics from the New School for Social Research.

Dr. Berhanu returned to Ethiopia with the hope of contributing to the economic and social development of this country. In 2005, he ran for mayor of Addis and won. He was arrested, and thrown into jail by the ruling regime before he could take office. He was released from prison this summer.

Our final witness is Dr. Peter Pham, who is the Director of the Nelson Institute for International and Public Affairs at James Madison University. He holds the position of associate professor of justice studies, political science and African studies. Dr. Pham is an author of over 200 essays and reviews on political science and African issues. In 2005, Dr. Pham as a member of the international republican institutes delegation to monitor the national elections in Liberia, and he also served as a monitor for elections in Nigeria. So we are very glad to have Dr. Pham here with us, and all of the five witnesses. We will begin to my right.

**STATEMENT OF SAMAN ZIA-ZARIFI, ESQ., WASHINGTON
ADVOCATE, HUMAN RIGHTS WATCH**

Mr. ZIA-ZARIFI. Mr. Chairman, Members of Congress—

Mr. PAYNE. Push the button there. Thank you.

Mr. ZIA-ZARIFI. Thank you, Mr. Chairman, Members of Congress. My name is Sam Zia-Zarifi. I am Human Rights Watch's Washington Advocate. We were asked specifically to speak about the situation in the Ogaden region of Ethiopia and conditions in Somalia. There have been some questions raised today about what exactly is going on in the Ogaden. I am here to confirm for you from my colleagues who are on the ground and with whom I have spoken as recently as this morning that the Horn is on fire, quite literally, and it threatens to really explode.

We are at a critical moment for the Horn of Africa, and we believe that there is a human rights and humanitarian crisis looming in the area. Hundreds of thousands are at risk, and this has all the

hallmarks of the situation that we saw in Darfur in 2003 and 2004, which is a very severe counterinsurgency program with ethnic overtones, coupled with severe restrictions on humanitarian access, and we hope that that situation will not be replicated again.

Mr. Chairman, we at Human Rights Watch focus on the rights of the people around the planet, but I am sure of some interest to you is that we believe that what is going on in the region now seriously affects the United States' interests, and especially because the United States is viewed as the key supporter for the Government of Ethiopia, and is therefore viewed with some resentment and increasing resentment.

We are very much aware of Ethiopia's genuine security concerns. We are very sensitive to the United States' security concerns but it is my experience as someone who has dealt with counterinsurgencies around the world, the experience of my colleagues, that what the United States and the Government of Ethiopia are doing now in the Ogaden and in Somalia is in fact counterproductive and of course very abusive of human rights.

We have been closely monitoring the events in Somalia and Ethiopia. We recently published the first on-the-ground investigation of what is happening in Somalia and Mogadishu. This is a report, "Shell-Shocked," that came out in August, which describes an intolerable situation in Mogadishu. Hundreds have been killed. Up to 400,000 people have been displaced as a result of the fighting over there.

Our research on the Ogaden area of Somalia region, again some of it as recent as this week, and ongoing, has uncovered a civilian population that is under siege and nearly driven to starvation by the parties to the conflict.

I want to be clear that there are no clean hands among the hostile parties in this area. Human Rights Watch has documented serious abuses of civilians in the Ogaden including summary executions by the ONLF. We have published an in-depth investigation of the situation in Mogadishu including indiscriminate attacks and killings of civilians by insurgent forces but unfortunately also by the transitional Federal Government and by Ethiopian forces. And of course we are enormously concerned by the Eritrean Government's extreme and systematic repression of its citizens.

But today we are here to speak about the conduct of the Ethiopian military, not just because they have systematically committed atrocities and violated the basic laws of war but because Ethiopia is a key ally and partner of the United States in the Horn of Africa and viewed as such, and therefore people in the region will hold the United States, to some extent, responsible and accountable for what is happening there.

We do recognize that Ethiopia has legitimate and serious domestic and regional security concerns, and we do recognize of course that all the warring parties share responsibility for the atrocities that are happening. Nevertheless, it is absolutely clear that nothing justifies the severe violations that we are witnessing today in the Ogaden or the conduct of the Ethiopian forces and their allies in Mogadishu.

We would like to see, as a first step from the United States Government, the public acknowledgement of the depth of the suffering.

We saw some of that this morning but then immediately we would like to see concrete steps to alleviate that misery. The United States' policy toward Ethiopia right now seems to be all carrots and no stick. We would like to see a little bit more stick.

This would comply with the United States' obligations under international law. It would also be the right thing to do, and I am sure of some interest to you it would probably serve the national interests of the United States much better than the administration's current policy. If any of us have learned anything from General Petraeus' recently published document on how to fight a counterinsurgency, we know that you cannot win one from the barrel of a gun alone, and what is happening in the Ogaden and what is happening in Somalia in fact we believe is counterproductive completely.

Let me jump to our findings on what is going on in the Somali region of Ethiopia if I may. We put out our release in July about the atrocities that we were finding there and a dire and deteriorating situation in the area. The Ethiopian Government predictably dismissed our findings, and unfortunately the United States Government also dismissed our findings of abuse as unsubstantiated.

Again, let me tell you that our ongoing investigations absolutely confirm what we found back then and demonstrate that things have gotten significantly worse. We are now within months of a genuine humanitarian disaster in the Horn of Africa.

We have learned, sirs, madam, that hundreds of civilians have been killed in what appears to be a deliberate effort by the Ethiopian military to mete out collective punishment against the civilian population that they believe is supporting the ONLF. The killings began in 2007 but sharply escalated after the attack on the Chinese installation in Oboi, and unfortunately they have continued to date. They have not stopped.

It is shocking to the conscience that many of the killings have been demonstration killings. The Ethiopian army gathers all of the local population in the village, selects a few people suspected of having ties to the ONLF, and then kills them in front of the crowd by either shooting them or strangling them. I do not need to point out that this is a very serious violation of the laws of war.

Sexual- and gender-based violence is widespread, and it seems to be openly accepted by the Ethiopian defense forces. We have spoken to several women who were victims of rape, who were gang raped to the point of unconsciousness by Ethiopian soldiers. They were taken from their homes and raped either there or, most troublingly, at army bases. Some of these women and girls were killed after they were raped, and some of them suffered such serious injuries and infections that they later died.

We also understand that Ethiopian troops are destroying villages and property, confiscating livestock and forcing civilians to relocate to urban centers in an apparent attempt to separate the civilian population from the ONLF, and if villagers refuse to leave, they are threatened with severe punishment. Ethiopian troops have confiscated or destroyed livestock, and they have therefore really jeopardized the basis of the economy in the region which is primarily of nomadic herders.

A partial commercial blockade has been imposed on the region, and this has caused serious food shortages. This is something that the U.N. has also alluded to, and again I am here to unfortunately confirm the truth of what has been happening. The main purpose of these restrictions seem to be an attempt to prevent food stuffs from reaching the ONLF but the restrictions are so severe that we do believe that they may also be simply trying to force the people of the region to leave their homes, again reminiscent of the situation in Darfur.

If we are to avert this looming humanitarian crisis, the United States should use all means at its disposal to press the Ethiopian Government to immediately end its abuses, especially and including the commercial blockade of the Ogaden, and to allow independent humanitarian relief to reach vulnerable civilians. That is an immediate matter of course because we think that the humanitarian situation is untenable for more than a few months.

Let me briefly also talk about the situation in Somalia. As I mentioned, we have just recently put out a report based on our research on the ground. Since January 2007, we are especially concerned to see that a coalition of insurgent groups, including the al-Shabaab militia, have been waging almost daily attacks on Ethiopian and TFG forces. These have included suicide attacks and targeting of TFG officials and civilians.

A lot of these attacks have been launched, mortar attacks that we have seen have been launched from densely populated neighborhoods of Mogadishu, and this of course jeopardizes the civilians in those areas, and that itself is a violation of the laws of war. Unfortunately, the response of the Ethiopian Government also has been indiscriminate and disproportionate, and that is very troubling.

The precise number of civilian casualties is unclear to us but the estimates range from 400 to about 1,300. Up to 400,000 people have fled the city because of the fighting, and that is also a situation of grave concern to us. The international response unfortunately has been quite muted.

The Ethiopian Government has claimed that the armed opposition was defeated in April, and we believe that given the almost daily attacks that we are seeing right now this is not really a credible assertion. We believe that civilians in Mogadishu and around Somalia are at increasing risk of this conflict, and we look to all parties of the conflict—in particular the Ethiopian defense forces—to comply with their obligations under international law.

Let me talk a little bit about the role of the United States in this regard because we believe that role has been largely counter-productive. The United States has significant leverage over Ethiopia in the form of foreign aid and political influence. It is viewed regionally as the Ethiopian Government's main backer, and therefore implicitly if not explicitly responsible for the Ethiopian Government's conduct. Unfortunately what happens in that region will come to rest on the United States' shoulders.

From a practical and policy point of view, we believe that the administration should rethink its policy because we believe this policy seems to encourage serious abuses and to come up with a new policy which prioritizes the protection of civilians. We would like to see the administration take a much firmer role with the Ethiopian

Government in terms of allowing humanitarian access, in terms of better conduct by Ethiopian forces, and accountability for those forces which are responsible for abuses.

We are at a fortunate moment to some extent. We believe that the rainy season may temporarily suspend military activities. We would like to see the United States immediately and vociferously urge the Ethiopian Government to facilitate full, unimpeded access of international humanitarian organizations to the civilians in need of assistance in the Somali region. This is a matter of utmost priority.

We would like to see the United States Government push the Ethiopian Government for not just independent investigations—and we were very happy to hear the statements this morning suggesting there is support for that—but also for follow through on those investigations and proper accountability. There is no point to having an investigation if nothing comes of it.

In terms of more internal U.S. issues, we would like to see that the provisions of the Leahy law are fully adhered to by verifying that no United States military assistance to Ethiopia is benefiting military units that violate human rights with impunity, and there are many of those. Of course we should start with the units that are operating in the Ogaden and in Somalia.

Finally, Mr. Chairman, Members of Congress, let me ask for assistance. The U.S. should take the lead in asking the United Nations Security Council but also the U.S. State Department to create a permanent mechanism for gathering information and ensuring accountability for sexual violence. The use of rape and other types of sexual violence as a weapon of war is a grotesque violation of the very basic notion of human rights.

We have seen this unfortunately everywhere, and recently we are seeing this now in the Horn of Africa. The Security Council right now gathers information about children in armed conflict. We think this is a very important issue for the United States Congress and the United States administration to pick up, not just in the Horn of Africa but throughout the world. I thank you for your time. I will be happy to answer any questions that you have.

[The prepared statement of Mr. Zia-Zarifi follows:]

PREPARED STATEMENT OF SAMAN ZIA-ZARIFI, ESQ., WASHINGTON ADVOCATE, HUMAN RIGHTS WATCH

“THE HUMAN RIGHTS AND HUMANITARIAN SITUATION IN THE HORN OF AFRICA: THE CASES OF SOMALIA AND THE OGADEN REGION OF ETHIOPIA”

Thank you Mr. Chairman, members of the committee, for providing Human Rights Watch this opportunity to voice our concerns about the dire, and deteriorating, human rights and humanitarian situation in the Horn of Africa, and particularly in regard to Somalia and the Somali region of Ethiopia.

We are at a critical moment for the Horn of Africa and its people. Over the past year we have seen an already volatile region become even more violent and unstable, with hundreds of thousands of civilians suffering massive crimes. There has been little or no response from important voices in the international community, including the United States.

These crimes are not only a serious issue from a human rights perspective, they need to be understood as part of a deepening political and security crisis across the Horn of Africa. The situation in the Horn today is complex, but what is clear is that if we are to avert a deepening regional crisis we must see an urgent and radical change of policy by some of the key regional actors—and their international sup-

porters—in order to address the current dynamic of increasing violence, instability, and human suffering.

Human Rights Watch has been closely monitoring events in Somalia and Ethiopia, and recently published an in-depth investigation of crimes committed in Mogadishu, a city where hundreds have died and up to 400,000 people were displaced from the past six months of intense violence. Our research on the Ogaden area of Somali region, some of it as recent as this week, has uncovered a civilian population under siege and nearly driven to starvation by the various parties to the conflict.

Mr. Chairman, there are no clean hands among the hostile parties in these two conflicts. Human Rights Watch has documented serious abuses of civilians in the Ogaden, including summary executions, by the forces of the rebel Ogaden National Liberation Front. We have published an in-depth investigation that describes a variety of crimes by insurgent groups in Mogadishu, including indiscriminate attacks and killings of civilians. We have also raised concerns about abuses by the forces of the Somali Transitional Federal Government, including repeated looting and obstruction of humanitarian assistance. We are enormously concerned by the Eritrean government's extreme and systematic repression of its citizens.

However today Human Rights Watch would like to focus on the conduct of the Ethiopian military, not only because the Ethiopian government's military forces have systematically committed atrocities and violated the basic laws of war, but because Ethiopia is a key ally and partner of the United States in the Horn of Africa.

The crimes committed by Ethiopian forces in the Ogaden and in Somalia are not unique, on the contrary they add to a mounting toll of abuses that have made Ethiopian security forces among the most abusive on the continent. Human Rights Watch has previously documented crimes against humanity by Ethiopian military forces in Gambella, and serious abuses in Oromia, Addis Ababa and other parts of Ethiopia.

We recognize that Ethiopia has legitimate and serious domestic and regional security concerns, and that all of the warring parties share responsibility for atrocities against civilians. Nevertheless, nothing justifies the severe violations we are witnessing today in the Ogaden, or the conduct of Ethiopian forces and their allies in Mogadishu.

In the Ogaden, we have documented massive crimes by the Ethiopian army, including civilians targeted intentionally; villages burned to the ground as part of a campaign of collective punishment; public executions meant to terrify onlooking villagers; rampant sexual violence used as a tool of warfare; thousands of arbitrary arrests and widespread and sometimes deadly torture and beatings in military custody; a humanitarian and trade blockade on the entire conflict area; and hundreds of thousands of people forced away from their homes and driven to hunger and malnutrition.

The Ogaden is not Darfur. But the situation in Ogaden follows a frighteningly familiar pattern: a brutal counter insurgency operation with ethnic overtones in which government forces deliberately attacks civilians and displace large populations, coupled with severe restrictions on humanitarian assistance.

Unlike in Darfur, however, the state that is perpetrating abuses against its people in Ogaden is a key US ally and recipient of seemingly unquestioning US military, political, and financial support. Furthermore the crisis in Ogaden is linked to a U.S.-supported military intervention by Ethiopia in Somalia that has been justified in terms of counter terrorism. Because the United States has until now supported Ethiopia so closely, there is a widespread and growing sentiment in the region that the United States also shares some of the blame for the Ethiopian military's abusive conduct. The increasing resentment produced by the silence over these atrocities risks radicalizing parts of the large Muslim population in the region and undermining the United States' stated goal of combating militant Islamist groups in the region. It is imperative for the United States to use its influence in the region to end these abuses and ensure the well-being of civilians caught in these conflicts.

A crucial first step would be for the U.S. government to publicly acknowledge the depth of the suffering, especially in the Somali region of Ethiopia—and then, immediately, take concrete steps to alleviate that misery. Doing so would comply with the United States' obligations under international law. It would also be the right thing to do, and, I'm sure of some interest to you, it would probably serve the national interest of the United States much better than the Administration's current policy. We hope this hearing will help achieve those results.

THE CONFLICT IN THE SOMALI REGION OF ETHIOPIA

In June, the Ethiopian government (the Ethiopian National Defense Forces, or ENDF) launched a major military campaign in the Ogaden, part of Ethiopia's So-

mali Region, a sparsely populated and remote area on Ethiopia's border with Somalia. There are 4 million Ethiopians of Somali ethnicity living in the Somali Regional State, one of the poorest in Ethiopia. The area known as the Ogaden, where the majority Ogaden clan reside, is at the heart of this area. An estimated 1.8 million live in the five zones where current military operations are ongoing.

The counter insurgency operation was aimed at eliminating the Ogaden National Liberation Front (ONLF), a rebel group that has been fighting for years for self-determination. The ongoing Ethiopian military campaign was triggered by several recent high-profile ONLF attacks in the region, including the April attack on an oil installation operated by Chinese personnel at Obole and attacks in May in Dhagahbur and Jigjiga, the regional capital, which nearly killed the Regional State President, Abdullahi Hassan. Although the Ethiopian government has frequently called for the ONLF to be placed on terrorism lists, the ONLF is widely viewed as a secular nationalist group; indeed, prior to Ethiopia's demand that US forces withdraw from the Ogaden, the US military apparently cooperated with the ONLF in efforts to monitor the region for alleged terrorist activity.

The current campaign in Somali region is also linked to Ethiopian military operations in south-central Somalia. Ethiopia has justified military action in Somalia on the grounds that it was removing a "terrorist threat," and that militant groups in Somalia were connected to the rebellion in Ogaden. One motive for Ethiopia's ouster of the Union of Islamic Courts in December 2006 may have been to cut what the Ethiopian government believed to be links between the ONLF, the ruling Islamic Courts and Eritrea, including arms and logistical supply lines from Eritrea and Somalia to the ONLF in Ethiopia's eastern region. While Ethiopia may have legitimate security concerns about Eritrea's support to Ethiopian insurgency groups, the rhetoric of counter terrorism is increasingly being used in the region to camouflage domestic or regional political and military agendas.

ABUSES BY ETHIOPIAN FORCES IN ETHIOPIA'S SOMALI REGION

In July, Human Rights Watch warned of serious violations occurring in the Somali region of Ethiopia. Predictably, the government of Ethiopia denied our findings. On September 7, the US Assistant Secretary of State for African Affairs, Jendayi Frazer, also dismissed our findings of abuse by the ENDF as "unsubstantiated."

Mr. Chairman, notwithstanding these statements, our ongoing investigation has only deepened our concern. Our investigators on the ground have been able to substantiate many killings by the Ethiopian forces; the burning of villages; widespread sexual violence; the arbitrary detention and torture of thousands in military custody; denial of access to wells; confiscation of livestock and hostage-taking to compel families to turn in family members suspected of ONLF involvement.. This is the situation we are finding:

In less than three months, Ethiopia's military campaign has triggered a looming humanitarian crisis.

Human Rights Watch has learned that hundreds of civilians have been killed in what appears to be a deliberate effort to mete out collective punishment against a civilian population suspected of sympathizing with the rebels. Overall, the killings probably number in the hundreds since the beginning of 2007, with a sharp escalation following the attack on the Chinese oil installation—and they continue to date. Many of the killings have been demonstration killings: the Ethiopian army gathers all of the local population, and then selects a few people suspected of having ties to the ONLF, and then kill them in front of the crowd by either shooting or strangling them.

Sexual and gender-based violence is widespread, and seems to be openly countenanced by the ENDF. We have spoken to several rape victims who were gang-raped to the point of unconsciousness by Ethiopian soldiers who took them from their homes and raped them either at their army bases—suggesting that the army allows such abuses—or in the bush. Some of the girls were killed after the rapes, and a few suffered such serious injuries and infections that they later died.

Ethiopian troops are destroying villages and property, confiscating livestock and forcing civilians to relocate to urban centers, in an apparent attempt to separate the civilian population from the ONLF rebels operating in remote rural areas. Villagers are threatened if they refuse to relocate.

Eyewitnesses told Human Rights Watch that Ethiopian troops burned or ordered civilians to vacate at least a dozen villages around the towns of Dhagahbur, Qabridahare and Wardheer. In Wardheer zone, many of the residents of villages located within a 100-kilometer radius of Wardheer town were forced to relocate to

other towns because of attacks on their villages, orders from the Ethiopian military or—less frequently—fighting between the Ethiopian army and the ONLF.

Witnesses described Ethiopian troops burning homes and property, including the recent harvest and other food stocks intended for the civilian population, confiscating livestock, killing herders in unauthorized areas, and, in a few cases, firing upon and killing fleeing civilians. Ethiopian security forces are also responsible for arbitrary detentions and torture of thousands, detaining students, shopkeepers, and relatives of suspected ONLF members.

Ethiopian troops have confiscated or destroyed livestock, thus jeopardizing the basic livelihood of the region's large pastoralist population. A partial trade blockade has been imposed on the region leading to serious food shortages. Almost all commercial traffic from Somaliland and out of Ogaden, the main commercial route, has been prohibited, making it virtually impossible for foodstuffs to reach the area; traffic between village and towns has been severely restricted and has become very dangerous; nomadic livestock herders have been prohibited from freely grazing their camels and other livestock and are often killed if encountered by the army; even access to water holes has been restricted or prohibited. The main purpose of these restrictions seems to be an attempt to prevent any foodstuffs from reaching the ONLF, but the restrictions are so severe that they may also be trying to force people to leave their homes.

Whatever the military strategy behind them, these abuses violate the laws of war.

International humanitarian law, or the laws of war, requires that all warring parties distinguish between military and civilians, protect civilians and their property and take all feasible steps to minimize the harm of military operations on civilians. Starvation of the civilian population as a method of warfare is also a violation of international law.

Collective punishments—or the punishment of one or more individuals for the acts of others—is also prohibited by international humanitarian law. Hostage taking, which is the holding or use of a person to compel a third party to act or refrain from acting, is also prohibited. Detaining the family member of a combatant to compel the combatant to surrender would thus be unlawful.

While the Ogaden is not Darfur yet, it is probably only a few months away from sliding over the edge into a full-blown humanitarian crisis of massive proportions. In a statement released just days ago, the United Nations' Office for the Coordination of Humanitarian Affairs warned that "Humanitarian conditions within the conflict areas have deteriorated substantially over the past several months. The nutritional status of the population will rapidly worsen within two or three months if only limited quantities of commercial food continue to be available."

As you know, the Ethiopian government expelled from the Ogaden the International Committee of the Red Cross, a rare neutral observer of the crisis left in the region. Only a few independent humanitarian organizations remain on the ground trying, with great difficulty and in the face of continuing government obstruction, to access civilians in desperate need of relief.

If we are to avert this looming humanitarian crisis, the US should use all the means at its disposal to press the Ethiopian government to immediately end its abuses, including its commercial blockade of the Ogaden and allow independent humanitarian relief to reach vulnerable civilians.

THE CONFLICT IN SOMALIA

Mr. Chairman, there is also great cause for concern about the situation in southern and central Somalia, and in particular Mogadishu. The situation for civilians in Mogadishu has grown intolerable. In December 2006, Ethiopian forces with US support ousted the coalition of Islamic Courts from Mogadishu and other areas of south-central Somalia in a lightning offensive. Ethiopia's intervention in Somalia is closely linked to regional security concerns, including a proxy war with Eritrea and the support given to the ONLF and other Ethiopian rebel movements by groups in Somalia. The armed conflict in Mogadishu has steadily escalated since the Ethiopian-backed Somali Transitional Federal Government (TFG) established itself in Mogadishu in January 2007.

Since January 2007, a coalition of insurgent groups, including the extremist Al-Shabaab militia, has waged almost daily attacks on Ethiopian and TFG forces, including several suicide attacks, and killed TFG civilian officials. The insurgency has repeatedly launched mortar attacks from densely populated neighborhoods of Mogadishu, jeopardizing civilian security, in violation of the laws of war.

In response, Ethiopian forces launched two major offensives on large areas of Mogadishu in March and April. Ethiopian troops indiscriminately bombarded insurgent strongholds with barrages of "Katyusha" rockets, mortars and artillery, making

no apparent effort to distinguish between civilians and insurgent targets. While the precise number of civilian casualties is not yet known, estimates range from 400 to more than 1,300 deaths resulting from both rounds of fighting. Up to four hundred thousand people fled the city by May, and thousands more left in subsequent months due to almost daily incidents of attacks and clashes by the warring parties. International response to these events has been muted at best.

Violations by the insurgency, a loose coalition of Somali armed groups, include: the indiscriminate firing of mortar rounds into civilian areas; deployment of forces in densely populated neighborhoods; targeted killings of civilian officials of the transitional Somali government; and summary executions and mutilation of the bodies of captured combatants.

Ethiopian forces backing the Somali transitional government violated the laws of war by widely and indiscriminately bombarding highly populated areas of Mogadishu with rockets, mortars and artillery. Its troops on several occasions specifically targeted hospitals and looted them of desperately needed medical equipment. Human Rights Watch also documented cases of Ethiopian forces deliberately shooting and summarily executing civilians.

Somali transitional government forces played a secondary role to the Ethiopian military, but failed to provide effective warnings to civilians in combat zones, looted property, impeded relief efforts for displaced people, and mistreated dozens of people detained in mass arrests.

Tens of thousands of displaced people are living in desperate circumstances without sufficient food, water, shelter or medical supplies, easy prey to extortion and abuse by the warring parties.

Ethiopian and Somali Transitional Government claims that the armed opposition was defeated in April have been undermined in subsequent months by the almost daily incidents of violence, many of which do untold damage to civilians.

THE COUNTERPRODUCTIVE ROLE OF THE UNITED STATES

The United States has significant leverage over Ethiopia in the form of foreign aid and political influence. It is viewed regionally as the Ethiopian government's main backer and implicitly—if not directly—responsible for the Ethiopian government's conduct. Therefore, US support for Ethiopia's abusive counter insurgency efforts in the Horn of Africa threatens to make the United States complicit in continuing laws of war violations by the Ethiopian government.

From a practical and policy point of view, which may be of significant interest to this Committee and the US Congress, the US support for Ethiopia in its conflicts in the Somali Region and inside Somalia is ineffective and counterproductive. It is now clearly understood that a counterinsurgency cannot be won from the barrel of a gun alone.

The current US-backed Ethiopian approach will lead to a mountain of civilian deaths and a litany of abuses. The policy risks precipitating exactly the sort of human-rights disaster in Somalia as the one rightly condemned in Darfur. This approach will only strengthen the hand of the extremist minority in Somalia. The ENDF's tactics could lead to the escalation and spread of the conflicts of the region and may well help to radicalize the region's large and young Muslim population.

The Administration should rethink a policy which is encouraging serious abuses, and come up with one which prioritizes the protection of civilians. Washington should start by issuing a clear call to all sides in these conflicts, including Ethiopia, to observe and uphold the rules of war and human-rights standards.

Recommendations:

The onset of the rainy season in late September is likely to temporarily suspend military operations. That could provide a reprieve during which diplomatic efforts might be promising. The Administration should abandon its current policy of what amounts to "silent diplomacy" on human rights issues, which has yielded no tangible dividends. Instead the Administration should:

- Conduct a full policy review on the Horn of Africa.
- Press for full, independent investigations of human rights abuses in Ethiopia's Somali region and violations of the laws of war in Mogadishu and other parts of Somalia.
- Urge the Ethiopian government to immediately facilitate full unimpeded access of international humanitarian organizations to civilians in need of assistance in Somali region.
- Ensure that the provisions of the "Leahy Law" are fully adhered to, by verifying that no U.S. military assistance to Ethiopia is benefiting military

units that violate human rights with impunity, in particular those units operating in the Ogaden and in Somalia.

- Publicly call for Ethiopia to support independent investigations into and accountability for ongoing human rights abuses committed by the Ethiopian military in Somali region and Mogadishu, as well as past abuses in Gambella.
- Cease cooperating with the Ethiopian government in secret renditions of people fleeing the conflict in Somalia and call on the Ethiopian government to acknowledge the real number of detainees and permit access to these individuals by independent international monitors. No U.S. message about human rights abuses in Ethiopia will be taken seriously so long as the Administration is also asking Ethiopia to cooperate in the illegal detention and abusive interrogation of terrorism suspects.
- The United States should also take the lead in asking the Security Council for a permanent mechanism at the Security Council to gather information and ensure accountability for sexual violence. At the moment, the Security Council, for example, systematically gathers information about children in armed conflict, but not about sexual violence committed against children, as well as against adult women.

Mr. PAYNE. Thank you. Yes.

STATEMENT OF MS. FOWSIA ABDULKADIR, FOUNDING MEMBER, OGADEN HUMAN RIGHTS COMMITTEE OF CANADA

Ms. ABDULKADIR. Chairman Payne, Ranking Member Smith and the distinguished members of this committee, thank you for holding this very important hearing that puts a spotlight on Ethiopia and documented human rights abuses in the Ogaden and elsewhere. I am honored to be here to participate in this and speak to this very subject that is very dear to my heart which is the plight of the people of Ogaden, also known as the Somali region in Ethiopia.

Mr. Chairman, in light of the time constraints, as I read a condense version of my testimony, I would like to ask that my full testimony be submitted into the record.

Mr. PAYNE. Without objection.

Ms. ABDULKADIR. Thank you. I represent Ogaden Human Rights Committee as the chair of OHRC Canada. OHRC is an independent voluntary, not-for-profit organization which was initially founded in 1995. As I said, I am going to do a condensed version of my testimony.

Mr. PAYNE. Yes. Unfortunately we are going to ask each of you to do so because there will be the Ethiopian bill coming up around noon, and I have to handle it on the floor. So we do have a real time constraint. Thank you.

Ms. ABDULKADIR. We all know that the current regime in Ethiopia has disappointed not only the Ethiopian masses but also the international community. In the Ogaden recently, *New York Times* journalists were harassed and jailed for some days.

It is important to note that according to the *Washington Post* on April 13, 1998, during the 3-year period between 1995 and 1998 the current regime has arrested and detained more journalists than any other government on the continent of Africa. So this has been going on for a long time. The people of Ogaden and many other areas have witnessed and suffered a violent and aggressive state machinery for a long time.

Mr. Chairman, sadly there are now countless instances where it seems that rape is being used as a weapon. In 2003, the Ethiopian

troops commander in Kapridahadran in the Ogaden told a gathering in the township, and I quote:

“Any women suspected of harboring or being a relative of an ONLF member would be raped and then killed.”

Women from the Ogaden region have recounted stories as my colleague has just also confirmed.

Mr. Chairman and distinguished members, you might be aware almost the entire population of the Ogaden are Muslim, and as such they raise their daughters in a very traditional way. Now I would like you to imagine the atrocities that these women go through and the stigma that they live with in a traditional society but also the alarming rate with which they contract STDs and HIV/AIDS.

Mr. Chairman, many have compared what is happening in the Ogaden to Darfur. I would submit to you that the actions of the Zenawi regime placed upon the Ogaden can be defined as acts of genocide. The definition of genocide, especially the first three articles, are killing members of a group, causing seriously bodily harm to members of the group, deliberately inflicting on the group conditions of life calculated to bring in whole or in part to their destruction. I would submit to you, sir, that what has been happening in the Ogaden can fit under this definition.

Here is an example. On July 2, 2007, July 22, in Korila Ethiopia armed forces came in and arrested a whole group of people, and they brought their names with them. They transferred them, and on July 21 they have hanged them on Ocasia three's to die. Heron is a survivor who told about that massacre. You have her picture in your folders. She has survived that. She was left to die, and she told about that. It is imperative that we do something about this, sir.

In conclusion, while we the Ogaden community in the diaspora applaud this very important hearing, we want you to know that this is only the beginning. We are going to hold you, sir, and your distinguished members accountable as well. You have now taken the task of researching what is happening on the ground. Therefore, you have no choice but to take action.

Ladies and gentleman, I applaud you for your leadership but I implore you to live up to the standards of human dignity that your constituencies here at home live by. I would like to point out that it is not only the people of Ogaden. Many other regions of Ethiopia have suffered under this regime.

Sir, the Ethiopian regime needs to be challenged. Mr. Chairman, it is important to underline that there are some facts about democracy as a universal principle of governance and its moral imperative, a social process, a particular kind of a political system which applies to all societies including Ethiopia.

Ethiopia is a country with great ethnic and linguistic diversity as well as religious. Ethiopians needs to be very careful as well as the international community not to fall into the trap of a narrowly defined nation building ideologies which can be summarized, sir, one people, one nation, one political party, and one supreme leader like we have in Meles Zenawi. That is a disastrous path that Africa has gone down to.

The United States and the international community, sir, can facilitate a dialogue among the different ethnic groups in Ethiopia, a dialogue I hope would lead to peace in the Ogaden through a comprehensive political and conflict resolution processes and most importantly that bring substantive gender equity and help the Ethiopian masses to heal after the abuses of successive regimes.

Mr. Chairman, unless there is a political solution and we find a political solution for the Ogaden cause, I fear that what is going on is going to be continuous. Ladies and gentleman, I thank you for giving me the time and the opportunity to do this today. Thank you very much.

[The prepared statement of Ms. Abdulkadir follows:]

PREPARED STATEMENT OF MS. FOWSIA ABDULKADIR, FOUNDING MEMBER, OGADEEN
HUMAN RIGHTS COMMITTEE OF CANADA

Chairman Payne, ranking member Smith and the distinguished members of this committee—Thank you for holding this very important hearing that puts a spotlight on Ethiopia and the documented human rights abuses in the Ogaden and elsewhere in Ethiopia. Mr. Chairman I am honored to be given the opportunity to come and speak today on a subject that I hold dear, the plight of the people of Ogaden, also known as the Somali region in Ethiopia.

Mr. Chairman, at this time I would like to ask that my full testimony be submitted into the record, consisting of the paper I am reading and the 2007 annual report of Ogaden Human Rights Committee, released on August 8th, 2007.

I represent a human rights advocacy organization. The Ogaden Human Rights Committee, (OHRC) is an independent, voluntary, non-profit community-based human rights advocacy organization. OHRC was founded on June 13th, 1995, in Godey, Ogaden, to monitor and promote the observance of internationally accepted human rights standards in the Ogaden. The OHRC researches, documents and reports human rights violations in the Ogaden.

The Ogaden Human Rights Committee has branches across the globe. As a volunteer and an independent researcher, I chair the Board of Directors of OHRC Canada.

BACKGROUND

The Ogaden also known as the Somali Region of Ethiopia is located in the south-eastern part of Ethiopia; bordering the Afar region and the Republic of Djibouti in the North, the Oromia region in the south and west; and Somalia in the east, it is 250,000 SQK area.

The Ogaden is a place many of us hold dear. Partly because it is a place where Somalis have been historically marginalized by successive Ethiopian regimes; and it is laced with history of refugees and internally displaced persons; but most importantly it is a place dear to our hearts because it's our homeland. My parents fled from the Ogaden in the early 50s, and became refugees in Somalia, where I was born. My mother died in 1988 in Mogadishu not fulfilling her life long dream of going back home to Werdher, Ogaden in her lifetime.

Like my mother, too many Ogadenis have died in exile as refugees, and in their memory I would like to share with you a quote from David Turton's article titled *"the Meaning of place in a World of Movement: lessons from long-term Field Research in Southern Ethiopia"*.

He states: ". . . to understand how a sense of place becomes bound up with a person's social and individual identity, we must treat place, not as stage for social activity but as a 'product' of it. Such an understanding of the link between people and place helps us to appreciate that displacement is not just about the loss of place but also about the struggle to make a place in the world, where meaningful action and shared understanding is possible" (Turton 2005: 258)¹

¹Journal of Refugee Studies Vol. 18, No. 3 David Turton (2005) "The Meaning of Place in a World of Movement: Lessons from long-term Field Research in Southern Ethiopia." Published by Oxford University Press

THE DISLOCATION AND DISPLACEMENT OF THE PEOPLE OF OGADEN

Today, because of state sponsored violence, and a century long protracted ethnic-based conflict, the people of Ogaden are internally displaced and are forced to flee from their homes. It is important to note, unfortunately, this has happened too many times. Just like what is happening right now, massive displacement of civilian population, there were a number of crisis in this region, which resulted in massive displacement of people and mass exodus from the Ogaden. I have compiled in my research several such historical dates when the people of this region were internally and externally displaced over the years; here are two examples:

- The 1977 Somali—Ethiopian war reeked havoc in this region.

After this war, there was a mass exodus from this region into neighboring countries in the Horn of Africa. And there were thousands of people who ended up in refugee camps in Somalia. For instance, there were no less than ten refugee camps in Northern Somalia, and five refugee camps in Central Somalia.

- In 1991 when the Somali state totally collapsed, and the Somali civil war erupted, these refugees were once again forced to repatriate into the Ogaden².

Through all these upheavals, women from this region were giving birth to children and raising them under such uncertainties, enduring the challenges that come with life as refugees. Although I was not born there, I grew up with the stories of these refugees who like my mother, their dreams of one day returning to their homeland overwhelmed the imagination.

THE CURRENT STATE OF ETHIOPIA UNDER THE CURRENT REGIME

Currently the present regime has engaged in what can be described as a war on the civilian population and as the case is always women and children are bearing the brunt of the pain. As you know Mr. Chairman, when the current regime came into power it promised a new beginning for all the people of Ethiopia including the people of Ogaden. A new constitution was written, chapter three of which enshrines the fundamental human rights principle. The new Ethiopian constitution is notably comprehensive and its human rights provisions are clearly stated. But so far, they remain only on paper³.

Unfortunately, and to the disappointment of Ethiopian citizens and the international community the current regime failed to respect human rights it vowed to protect. Local and international human rights organization (such as Ogaden Human Rights Committee, Oromo Support Group and Sidama Concern, as well as Amnesty International and Human Right Watch) widely report on the violations of basic constitutional rights.

In the Ogaden recently, American journalists were harassed and jailed for some days. It is important to note that, according to *the Washington Post* (April 13, 1998), during the three-year period, from 1995 to 1998, this current Ethiopian regime has arrested and detained more journalists than any other government on the continent of Africa⁴. The people of the Somali region and many other regions of Ethiopia have witnessed and suffered under this violent and aggressive state machinery.

HUMAN RIGHTS ABUSES BY ETHIOPIAN ARMED FORCES IN THE OGADEN

Under successive regimes, the entire Ethiopian population suffered, my testimony today focuses on the Ogaden. The people of Ogaden have been subjected to harassment, unlawful detentions, rape and torture.

*"Human rights violations reports are body counts, torture practices, an endless list of horrors; the violations seem beyond comprehension, mad men acting without reason. And the reports seem to be written by someone with stomach of a physician and the mind of a statistician" (David Matas, 1994:3)*⁵.

David Mata argues that human rights violations do not occur in an ideological vacuum, to the contrary, in many instances these acts are manifestations of an ideology⁶.

²F. Abdulkadir unpublished research, 2007

³Journal of Oromo Studies Vol. 13, No. 1&2, Fowsia Abdulkadir (2006) "Human Rights Predicament: Analysis of the Somali Region (Ogaden) in Ethiopia.

⁴Review of African Political Economy, No. 91: 73–94; Khalif, Mohamud H. & Doornbos, Martin "The Somali in Ethiopia: Neglected Human Rights."

⁵David Matas, 1994:3; "No More: The Battle Against Human Rights Violations"; Dundurn Press Ltd. Toronto, Canada

⁶ibid

Mr. Chairman, in researching human rights violations in the Ogaden, we have documented the rape of innocent young girls, the hijacking of privately owned vehicles, publicly shooting innocent people to instill fear in the communities, looting people's properties and general dehumanizing acts by the Ethiopian military. Human rights violations are defined as "torture, disappearances, killings, detentions and unfair trials" these acts occur continuously in the Ogaden in a blatant manner. This regime deals with the people of Ogaden with impunity in some instance going so far as to leave the murdered innocent civilians out in the public square. The local community is then instructed that no one can bury the dead, and so carcass is left to rot in full public view.

There are countless instances where it seems, that rape is being used as a weapon. In 2003, the Ethiopian troops' commander, in Qabridaharre, told a gathering in the township, *"Any women suspected of harboring or being a relative of an ONLF member would be raped and then killed"* (OHRC Report, 2007:29).

Women from the Ogaden (the Somali region) have recounted horror stories of rape:

- Rape in detention centers.
- Rape in their homes while their children watch.
- They have been raped in their villages and were put under house arrest to prevent them from sharing their stories.

According to the OHRC 2007 report, on March 27th, 2007, Fathi Moalim Khalif, who is a former rape victim, was detained with other four civilians, in Dhagahabur. Prior to this arrest, members of the Ethiopian armed forces have gang raped her in January 2007. Fathi is pregnant as a result of that rape. Speaking to OHRC's researchers her younger brother said: "They think they can hide their heinous crime by putting her behind bars. Everyone knows what happened to her. No jail or detention camp can cover their crime. We will never forget what they have done to her." (OHRC, 2007:29)

Mr. Chairman, and distinguished committee members, you might be aware, almost the entire Ogaden population is Muslim; and as such they raise their daughters in a very traditional environments. It is with tremendous sadness that I report to you these women are not only living with the socio-cultural stigma that comes with rape in such traditional communities; but they are also contracting HIV/AIDS and other STDs at an alarming rate. This is one of the rare communities that HIV/AIDS has not been detected until recently.

In addition to these women getting STDs, they oftentimes get pregnant and bear children because of these rapes. It is important to imagine the magnitude of the suffering these women endure.

Since the current Ethiopian government came to power, a large number of women have been detained, tortured, raped, and some have disappeared or been killed. Women are the most vulnerable groups to suffer abuse and violence in the Ogaden, simply because they are the relatives of, or suspected sympathizers with the Ogaden National Liberation Front (ONLF).

It is important to note that the above mention actions are in direct violation of the international convention on the protection of women.

Article 1 of the Declaration on the Elimination of Violence against Women (DEVW) states that: "for the purposes of this Declaration, the term "violence against women" means any act of gender-based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."

SIMILARITIES TO THE DARFUR SITUATION

Mr. Chairman, the Somali region in Ethiopia is heavily militarized zone, and it has not known a stable and peaceful period. It is a military outpost and the people of this region have suffered immensely. In the spirit of time, I would encourage the distinguished members of this committee to please consult the Ogaden Human Rights Committee report of 2007; more reports can be found in www.ogadenrights.org

Mr. Chairman, It is no secret that Somalis in Ethiopia have been historically marginalized by successive Ethiopian regimes. I would argue they have been particularly persecuted by this current regime.

Mr. Chairman, many have compared what is happening in Ogaden to Darfur, We all know what has happened in Darfur amounted to genocide. I would submit to you that, the actions of the Zenawi regime placed upon the Ogaden, could be defined

as genocide. And to that end, it is morally imperative that action be taken to mend broken lives.

Furthermore, my presentation would be incomplete if I did not mention the one big difference between Ogaden and Darfur. And that is, the government is doing the very acts of terrorizing the communities.

The currently accepted definition of genocide is the one contained in the 1984 United Nations Convention on Genocide:

"In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national ethnical, or religious groups, as such: 1) Killing members of the group; 2) Causing serious bodily harm to members of the group; 3) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; 4) Imposing measures intended to prevent birth within the group; 5) Forcibly transferring children of the group to another group."

Actions by the Ethiopian military such as these listed below are to genocide.

- On July 22nd, 2007, in Qoriile, Ethiopian armed forces came in with a list of names, and then arrested a number of civilians. They transferred them to their barracks, where they were subjected to extensive torture. On July 24th, 2007, the Ethiopian armed forces killed the detainees in their custody, in Babaase. Most of the victims were hanged from acacia trees and then shot to ascertain their death. Ridwan Hassan Rage survived, and told about this massacre.
- Mr. Chairman, in November 20th, 2005, Ethiopian forces razed to the ground the village of Fooljeex, which is located 44 Km east of Qabridaharre. Before torching the residences, they looted personal properties and burned all the things they could not carry with them including the village's barns, which contained more than 6000 Quintals of sorghum and maize. Pastoral development and Relief Association's educational project in the area has also been damaged. (OHRC report 2007:18)
- Earlier in 2005, Ethiopian armed forces committed mass killings in Qabridaharre, Farmadow, Shilaabo, Madax-Maroodi, Karin-Bilicle and Gurdumi. (OHRC report 2007:18)

Mr. Chairman, I would submit to you that these acts fit very well within Article I and II of the current UN definition of genocide.

Mr. Chairman, it was clearly stated in the US State Department's Human Rights report on Ethiopia that there is the existence of:

1. Arbitrary or Unlawful Deprivation of Life
2. Disappearance
3. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment
4. Arbitrary Arrest or Detention
5. Police detained journalists during the year
6. Arbitrary Interference with Privacy, Family, Home, or Correspondence
7. Denial of Fair Public Trial

Mr. Chairman, the current regime has recently released some prisoner, however in the Ogaden the jails in major cities, such as Jiggiga, Dhagahbur, Qabridahare, Godey and Fiiq, are full of victims of unlawful arrests. And the resulting overcrowding in these un-kept below human standard prisons is further causing a health risk.

Mr. Chairman, the Ogden community as a whole is experiencing the brutality of the Addis regime. Collective punishment is the order of the day in the Ogaden. The communities of Dhagahbur; Qabridahare, Godey and Fiiq have been subjected to:

- Severe physical and emotional torture, constant danger of rape that looms over all women to include girls as young as early teens
- Random indiscriminate open air shooting, and killing.
- Open-ended intimidation of Community and Business leaders
- The current military blockage, as documented in the UN report, of villages, towns and cities is making Manmade disaster exponentially worse

ETHIOPIA AND THE STATE OF DEMOCRACY

Mr. Chairman, on August 3, 2007—Senator Leahy made a passionate statement on the floor of the US Senate. After sighting election fraud, illegal imprisoning of

civilians, documented Human rights abuses, the government's role of inciting violence, he finished in part

"It is no excuse that the Ethiopian military has impeded access to the Ogaden, as it has done. In fact, this should give rise to a sense of urgency. If we cannot properly investigate these reports, and if the Leahy Law, which prohibits U.S. assistance to units of foreign security forces that violate human rights is not being applied because the U.S. Embassy cannot determine the facts, then we should not be supporting these forces."

Ladies and Gentlemen, there isn't anything complex about what the people of Ogaden want.

The people of Ogaden want what is due to them under the current Ethiopian constitution. The Ethiopian constitution explicitly states that human rights, civil and political rights, economic and cultural rights and the essential tenants of living with basic human dignity must be honored.

Mr. Chairman, the current regime failed miserably to adhere to its own constitution. And when questioned about its actions, this regime gets into defensive obfuscations to conceal the unpleasant realities on the ground. To that end, we are encouraged by the recent UN fact-finding mission into Ogaden. We look forward to the day when the Ogaden is open to international aid agencies and can begin to repair and rebuild where the current regime has destroyed and depleted.

Mr. Chairman the people of Ogaden are hopeful of the day they can participate in fair and democratic elections, enjoy freedom of the press, and access to development and investments from the outside world.

Mr. Chairman, being minority is not a reason to be killed and tortured, being Somali is not a reason to be raped and beaten; and certainly being a Muslim is not a crime punishable with indignity.

Mr. Chairman, Ethiopia is one of the poorest countries in the world, the Somali region, even by Ethiopian standards, is the poorest and least developed region of the country. As it is stated in the UN report that came out last week, the people of Ogaden urgently need the basics to live decently.

While we, the Ogaden community, in the Diaspora, applaud this very important hearing, we want you to know that this is only the beginning. We are going to hold you accountable as well. You have now taken on the task of researching what is happening on the ground, therefore, you have no choice but to take action.

Ladies and Gentlemen, I applaud you for your leadership but I implore you to live up to the standards of Human Dignity that your constituents here at home live by.

The Ethiopian regime needs to be challenged by the United States to demand that the International Committee of the Red Cross (ICRC), Doctors without Borders and other aid groups be allowed to help the people and Ogaden. And that their efforts and access to this region be unrestricted.

CONCLUDING REMARKS.

Mr. Chairman, having highlighted the difficulties the people of Ogaden are dealing with, I would like to point out that it is not only the Somali region that has suffered under the brutalities of the current regime of Ethiopia. The people of Oromia region, Gambella region, Amhara region and Sidama region have also been subjected to human rights abuses. We need to ask ourselves; where do we go from here?

Mr. Chairman, Ethiopia and the Ethiopian masses need the international community and particularly the United States to intervene, and put pressure on the current regime to allow substantive democratic processes to be put in place.

Setting the context for democracy and the process of democratization in Ethiopia is very important. Furthermore, Mr. Chairman, it is important to underline the facts about democracy as a universal principle of governance, it is a moral imperative, a social process, and particular kind of political system, which can apply to all societies including Ethiopia⁷. I would submit to you that internal weak leadership and narrow-minded dictatorship have derailed democratic process in Ethiopia.

Mr. Chairman, Ethiopia is a country with great ethnic, linguistic diversity as well as religious diversity. Ethiopians need to be very careful not fall into the trap of narrowly defined nation-building ideologies; which many African countries pursued at the dawn of independence to their detriment. These ideologies are summarized

⁷ "The State and Democracy in Africa" edited by George Nzongloa-Ntalaja & Margaret C. Lee; published by Africa World Press Inc; 1998—Chapter 1

in Womb's formula, as cited by Shivji, "*One people, one nation, one political party and one supreme leader*" (Shivji, 2000:30)⁸.

Mr. Chairman, the United States and the international community can facilitate a dialogue among the different Ethnic groups in Ethiopian; a dialogue I hope would lead to conflict resolution processes and substantive gender equity; and help the Ethiopian masses to heal after the abuses of successive regimes

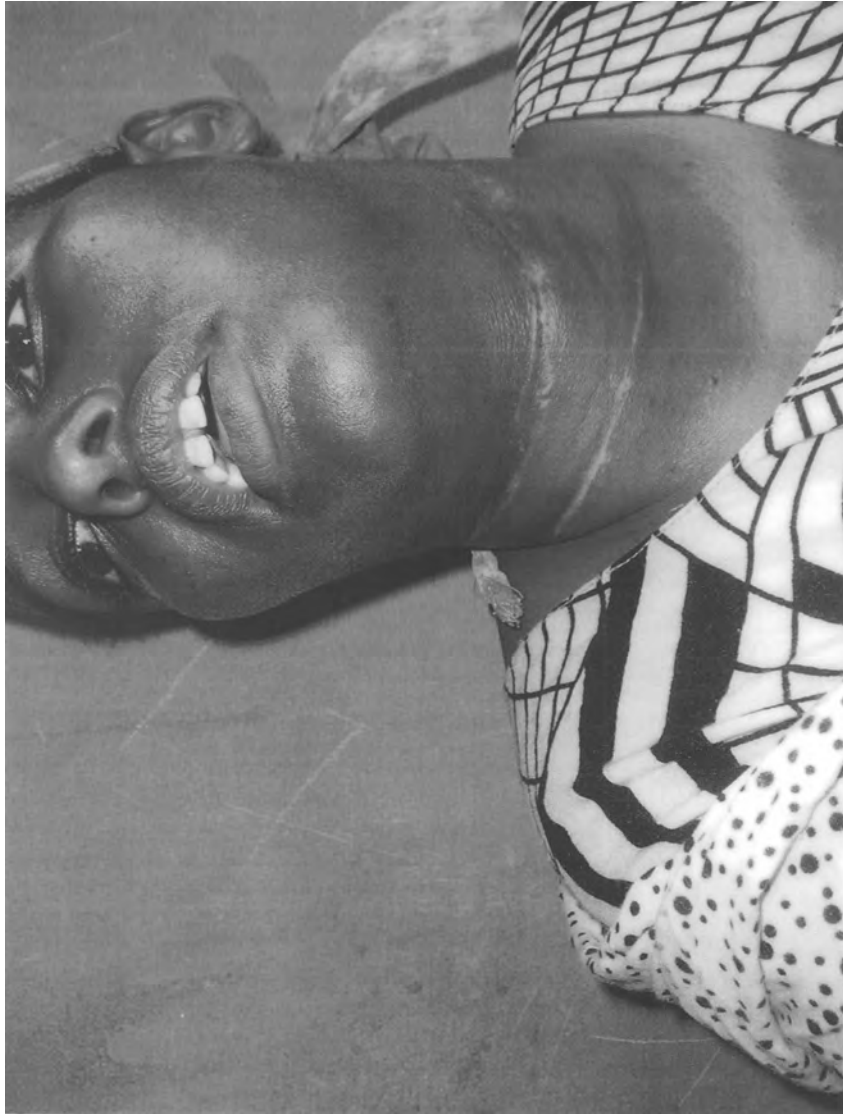
I thank you for giving me this opportunity to speak regarding this life and death issue and I thank you on behalf of the many whose lives you your action will touch. I look forward to your questions and I hope I can shed additional light on this issue.



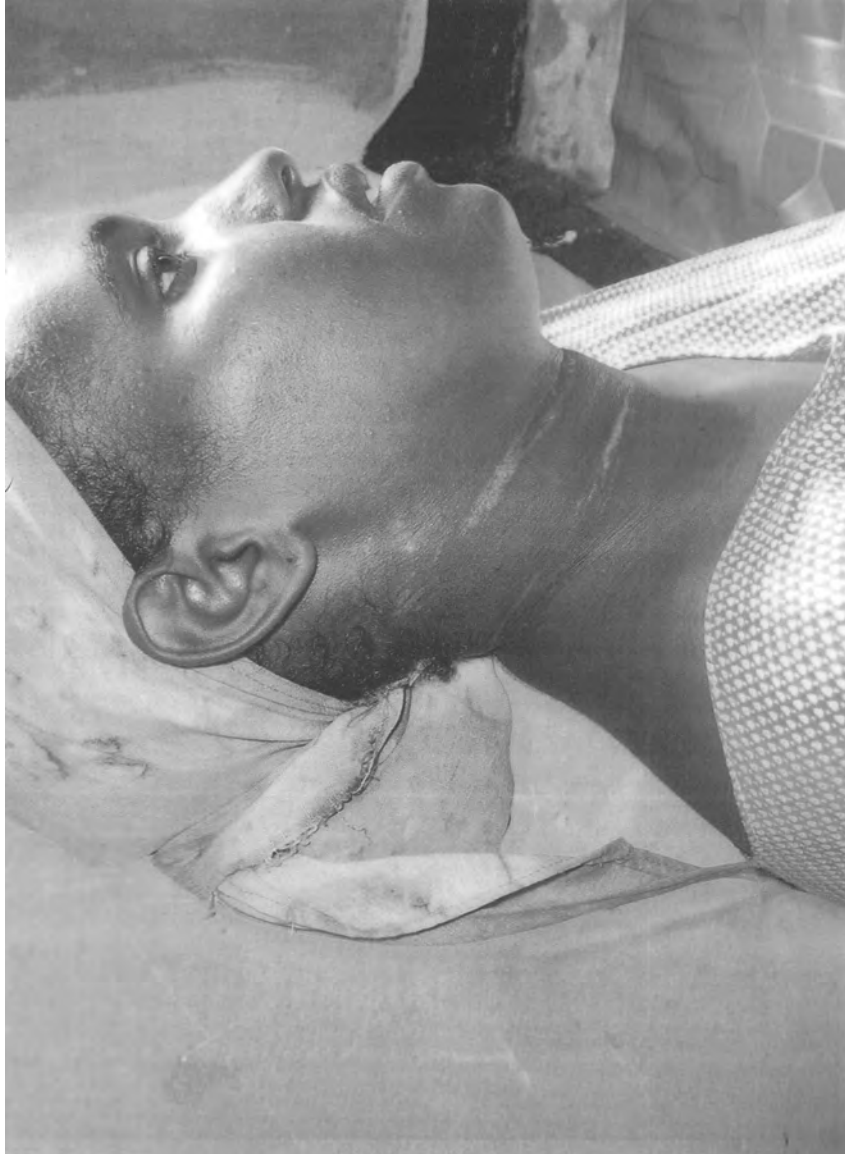
⁸ "Reflections on Leadership in Africa: Forty Years After Independence" edited by Haroub Othman; published by VUB University Press, 2000; chapter three; p. 30

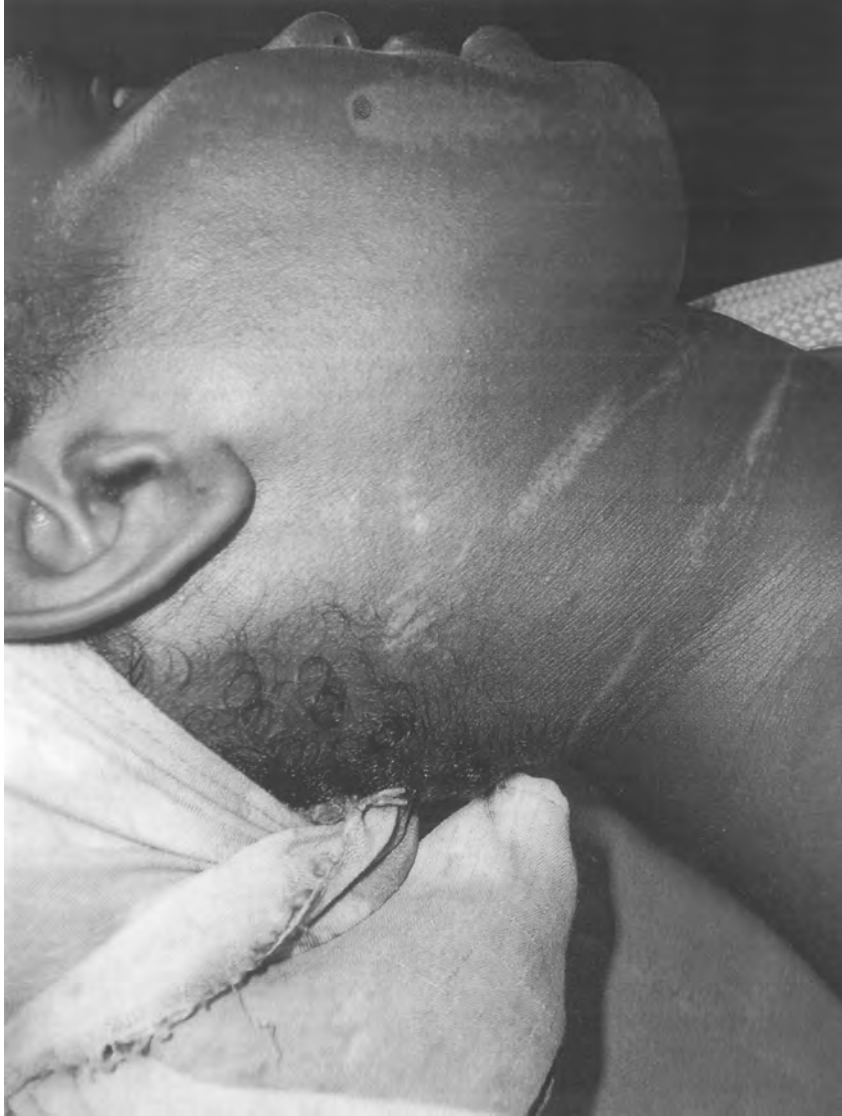




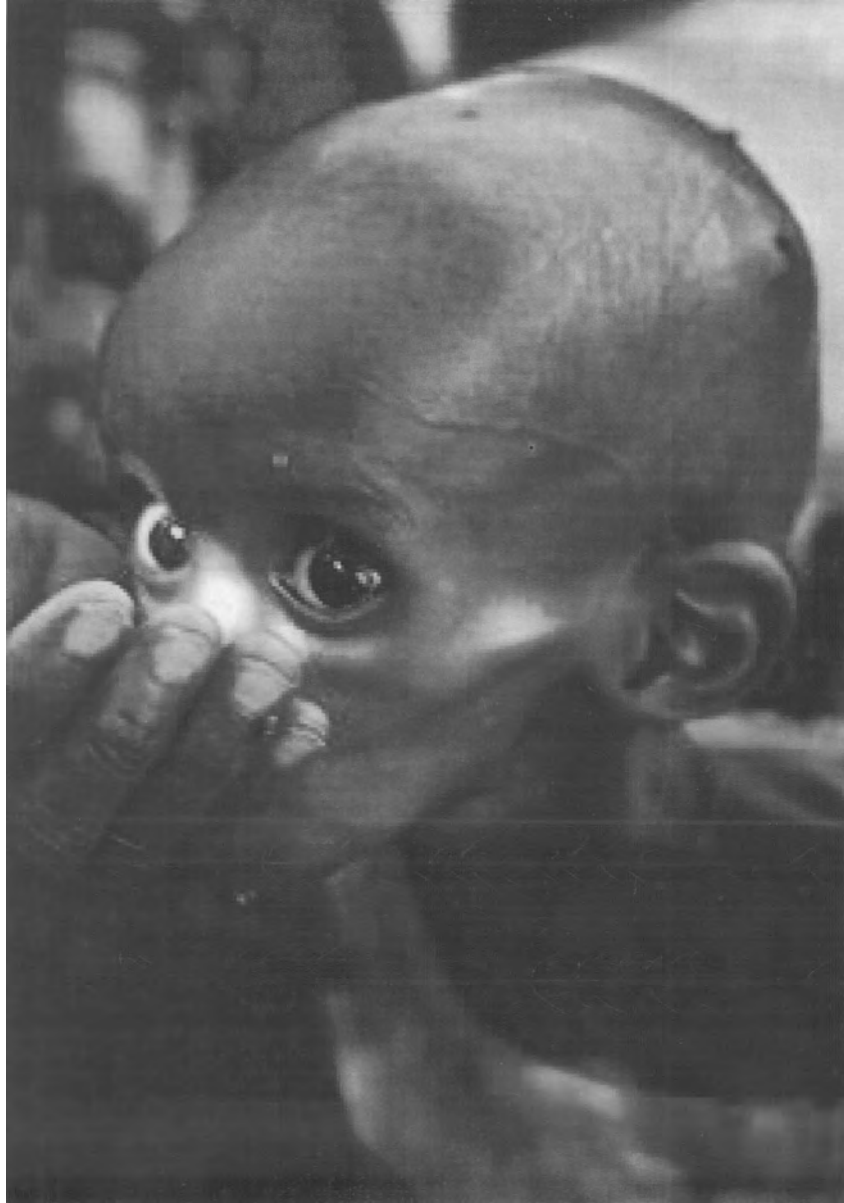


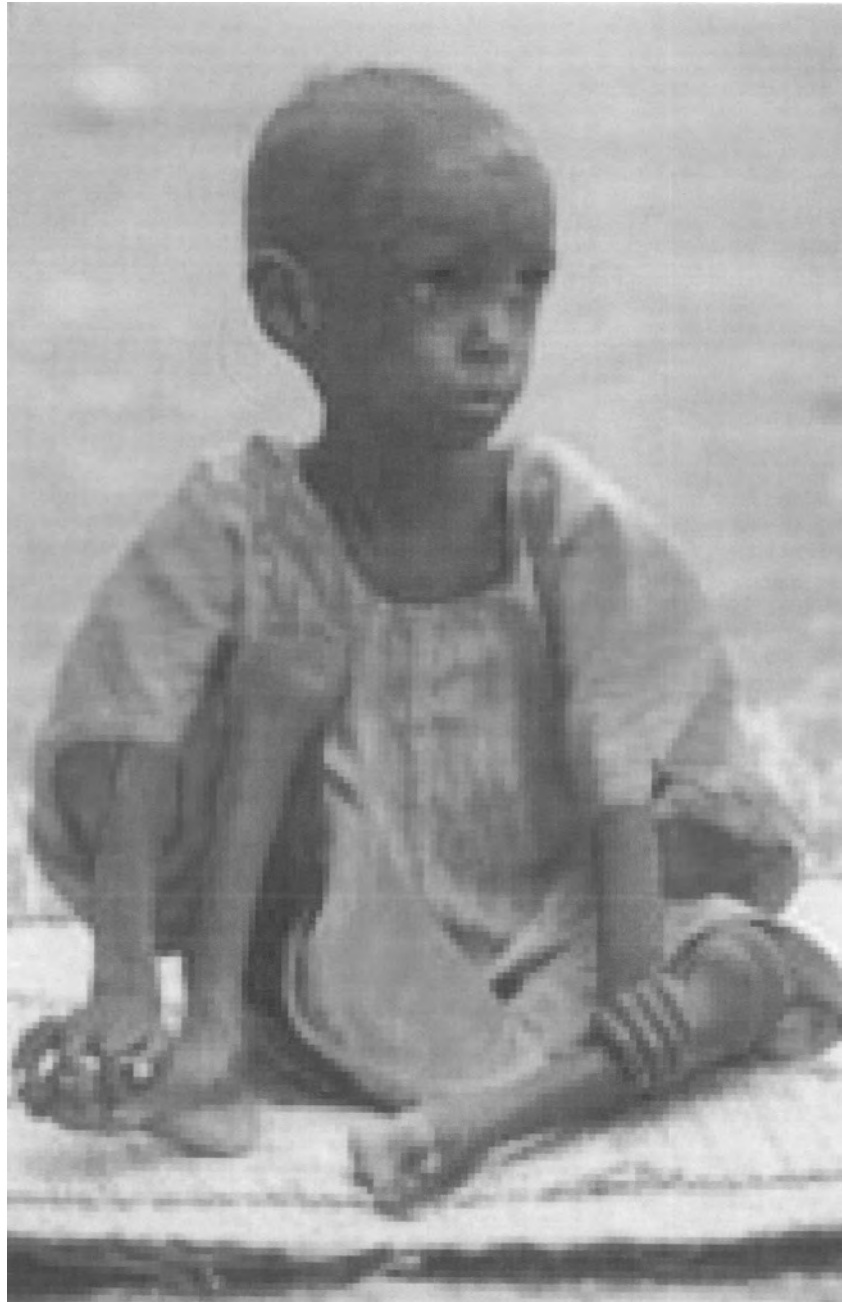














Mr. PAYNE. Thank you for coming. Ms. Mideksa.

**STATEMENT OF MS. BERTUKAN MIDEKSA, VICE CHAIR
COALITION FOR UNITY AND DEMOCRACY, ETHIOPIA**

Ms. MIDEKSA. Thank you, Chairman Payne, Ranking Member Smith, distinguished members of the House Africa Subcommittee and committee staff. It is a distinct honor and privilege for me to be invited to address you here today on the subject of democracy, the rule of law and human rights in Ethiopia.

Mr. Chairman, I want to take this special opportunity to thank you and this subcommittee for standing with me and my fellow political prisoners in our darkest hours in prison. We remember vividly, Mr. Chairman, when you traveled all the way to visit us in Kaliti prison in 2006. Your words comforted us then, as they did throughout our imprisonment when you called for our immediate and unconditional release. I thank you very much.

Mr. Chairman, I am the first vice chairperson of the Coalition for Unity and Democracy part. Prior to my election to this position, I served as a judge on the Federal First Instance Court for close to 7 years. After I resigned from the judiciary, I started my own private law practice for over 2 years, until I was thrown in jail in October 2005. I spent nearly 21 months in prison on various alleged state crimes and was released with 77 of my colleagues on July 20, 2007.

Mr. Chairman, in my opening statement I will briefly summarize my testimony. I respectfully request the chairman to include my prepared statement in the official record of these proceedings.

Mr. PAYNE. That will be done with pleasure.

Ms. MIDEKSA. Thank you. In my testimony today, I would like to provide the committee with a brief overview of the state of democracy in my country since May 2005 parliamentary elections and outline some ideas that could be helpful in the establishment of democracy and protection of human rights in Ethiopia in the foreseeable future.

Mr. Chairman, as you very well know, the period immediately preceding the May 2005 elections was an extraordinary time in Ethiopia's history. For the first time in Ethiopia's history, the seeds of democracy were planted throughout the land, and on May 15 Ethiopians came out by the millions to harvest a bounty of democracy.

The preparations for the 2005 parliamentary elections were unprecedented in the country's history. For the first time genuine political competition by the various political parties in the electoral process was allowed. Public interest and participation was massive, estimated at no less than 85 percent of all eligible voters.

Election day in the capitol was very peaceful and celebratory. Voters came out in large numbers in the wee hours of the morning making lines as long as two kilometers in some places. There was no indication of any violence or disturbance. The first real surprise of the day came when at eight p.m. that evening while thousands of voters were still on the line to vote, Prime Minister Meles declared a state of emergency on the capitol for an indefinite period of time.

This declaration denied the basic constitutional right of citizens to assemble in public. He took command of the policing armed forces during this period of emergency. Early election results showed considerable gains for opposing candidates, both in urban and rural constituencies. First was the real prospect of being swept out of office, the ruling party declared victory. All this a day after the election and long before even half the constituency votes were counted.

The ruling party claimed it has won over 300 seats in the 547-seat Parliament. This was clearly against the basic rules of the national election board that supposedly runs election independently. This led to spontaneous public protests and demonstrations throughout the country, alleging election fraud.

In an attempt to suppress protests, hundreds of peaceful protestors were shot and killed or severely wounded on June 8 and later in November. Thousands were also detained. In light of the unstable political situation like this, the CUDP made eight specific proposals to the government as conditions for it to join Parliament.

These proposals addressed a number of critical and institutional and rights issues, all of them explicitly written in the country's constitution. These include ensuring the independence of the election board, opening the public media to accommodate divergent views and allowing the existence of independent private electronic media, institutional independence for the judiciary, making the army and security forces independent from parties and political interference.

On November 1, 2005, following a call for peaceful protest in support of the eight points proposals, the government responded by arresting, jailing and charging numerous opposition party leaders, human rights advocates, journalists and civic society leaders for various state crimes. For nearly 21 months these leaders were jailed in Kality prison while their case was being heard by a court. The international press and every international human rights group characterized the court as kangaroo court, and the prisoners as prisoners of conscience.

To say something about our release, as you well know there were numerous attempts by various group to secure our release from prison. Discussions with a group of elders to find a common ground between the government and the imprisoned CUDP leaders for negotiation on the future of democracy in our country did not bear fruit because of the belligerence of the government and the ruling party.

While in prison and throughout these discussions with the elders, CUDP does show their unflinching commitment to finding a peaceful and negotiated settlement to the political crisis in our country. All our calls for peaceful dialogue have unfortunately fallen on deaf ears. Even the most basic agreement we reached with the elders to secure our release was nullified and used by the government for mind numbing propaganda to isolate CUDP from the public and to instill fear in the public so that it will refrain from supporting the party.

In so doing, the government once again showed its total preoccupation in gaining temporary political advantage rather than look at the long term interest of peace, democracy and national rec-

onciliation. Our release after 21 months unfortunately failed to bring us any closer to a more serious dialogue for national reconciliation.

Mr. Chairman, democracy can and must be restored in Ethiopia. The United States and other countries can help us transition into a democratic society by helping us build democratic institutions. Among the most important democratic institutions are an independent judiciary, free media institutions, independent electoral commission and support for indigenous nongovernmental organizations.

The judiciary reform in Ethiopia must begin with realizations that judge must be insulated from external pressure in their duties and must decide matters before them impartially on the base of facts and in accordance with the law without any restrictions, improper influences, inducements, pressures, threats, direct or indirect, from any quarter or for any reasons.

The other issue is about free media and institutions. The committee to protect journalists recently ranked Ethiopia at the top of the list of countries where there is little freedom of press. People in Ethiopia, particularly in the rural areas, do not have access to important political information because of exclusive government control of the media. The public media must be open to divergent views. Political parties need to have equal access to media controlled by the government so that they can effectively communicate with the people. The electronic media should also be opened for private ownership.

To say something about the independent electoral commission. The lack of impartiality and transparency of the Ethiopian National Electoral Board was one of the factors that complicated the resolution of the dispute in the 2005 elections. We need an elections board that is representative of all the political parties and enjoys the public trust.

Mr. Chairman, you and this committee have worked tirelessly to improve the human rights situation in Ethiopia. We in the CUDP believe that all political prisoners including civic society leaders, like Ana Dempsey and Daniel Picala, must be released and their democratic rights must be restored. CUDP supports democratic reforms and accountability.

We favor protections for human rights and civic society organizations and ensure adequate monitoring and reporting processes. We advocate for an independent judicial system with effective monitoring processes to protect judge from political interference.

To come to the conclusion, Ethiopia has many problems including a legacy of repression, corruption and mismanagement. It will not be easy for all of us to confront the past. We must try embracing the rule of law and respect for human rights and democracy. The time is ripe for democratization in Ethiopia. The U.S. can help by using its considerable influence to encourage the government to negotiate with opposition.

Only through dialogue and negotiation will stability and peace be granted. As a long time friend of Ethiopia, I know you will stand by Ethiopia and Ethiopians in these difficult times. Thank you.

[The prepared statement of Ms. Mideksa follows:]

PREPARED STATEMENT OF MS. BERTUKAN MIDEKSA, VICE CHAIR COALITION FOR
UNITY AND DEMOCRACY, ETHIOPIA

INTRODUCTION

Chairman Payne, Distinguished Members of the House Africa Subcommittee, and Committee Staff:

It is a distinct honor and privilege for me to be invited to address you here today on the subject of democracy, the rule of law and human rights in Ethiopia.

When I sat in prison for nearly 20 months, until my release in late July, 2007, with many other colleagues accused of unspeakable political crimes, I had no idea that I would be invited to appear in the halls of the Congress of the United States and share my views with American lawmakers. Thank you Mr. Chairman for opening the doors to this great House of the American people, and for inviting me and my colleague, Dr. Berhanu Nega, Mayor-elect of Addis Ababa, to participate in these proceedings.

Mr. Chairman: I want to take this special opportunity to thank you and this subcommittee for standing with me and my fellow political prisoners in our darkest hours in Kaliti prison. We remember vividly, Mr. Chairman, when you traveled all the way to visit us in Kaliti prison in 2006. Your words comforted us then, as they did throughout our imprisonment when you called unrelentingly for our immediate and unconditional release. I thank you very much!

Mr. Chairman: You and this distinguished Committee have defended and promoted democracy, freedom and human rights in Ethiopia since the last parliamentary elections in May, 2005. Your recent actions in the consideration of H.R. 2003 have demonstrated to the American and Ethiopian people, and indeed the world, that democracy and human rights are of paramount importance in the relations between our two countries. I thank you all deeply for your efforts to promote and sustain democracy, freedom and accountability in Ethiopia.

Mr. Chairman: I am currently Vice Chairperson of the Coalition for Unity and Democracy Party (CUDP) in Ethiopia. Prior to my election to this position, I served as a Judge on the Federal First Instance Court. I served in that capacity for about seven years, before I resigned. I spent nearly 20 months in prison on various alleged state crimes and was released with 38 of my colleagues on July 20, 2007.

Mr. Chairman: In my opening statement, I will briefly summarize my testimony. I respectfully request the Chairman to include my prepared statement in the official record of these proceedings.

In my testimony today, I would like to provide the Committee with a brief overview of the state of democracy in Ethiopia since the May, 2005 parliamentary elections and outline some ideas that could be helpful in the establishment of democracy and protection of human rights.

The Pre-Election Period in Ethiopia, 2005

To understand the current situation and meaningfully discuss future course of actions it is necessary to consider the birth of democracy in Ethiopia in 2005. As you know very well, the period immediately preceding the May, 2005 elections was an extraordinary time in Ethiopia's history¹. For the first time in our history, the seeds of democracy were planted throughout our land, and a time of great hope and expectation for ordinary citizens.

The preparations for the 2005 parliamentary elections were unprecedented in the country's history. For the first time, genuine political competition by the various political parties in the electoral process was allowed. There was fair access to publicly-controlled media outlets, and the level of public participation and political debate on radio and television between opposition and government leaders and supporters provided a solid background for an open and genuine exchange of views on the important issues affecting Ethiopian society.

Public interest and participation in the electoral process was massive. The European Union Observer team estimated voter registration at no less than 85% of all eligible population, based on voter lists containing 25,605,851 names of registered persons in 2005. The total number of candidates for the House of Peoples' Representatives was 1,847. a total of 3,762 candidates ran for Regional Councils. The total number of women candidates to the House of Peoples' Representatives was 253, and 700 in the Regional Councils.

The pre-election process while much more open than any past election it fell short of accepted norms of free and fair election. To its credit the government allowed lim-

¹ http://ec.europa.eu/external_relations/human_rights/eu_election_ass_observ/ethiopia/pre_stat_17-05-05.pdf

ited media access, established a Joint Political Party Forum at national and constituency levels, regular consultations with electoral authorities to resolve problems in campaign and election administration, special elections-related training programs for the police and the judiciary, pledges of non-violence between the ruling and opposition parties for election day and invitation of international election observers by the Government of Ethiopia, among others.

As election day approached the government started to use its power to influence the outcome of the election. The problems in the pre-election period also included administrative and bureaucratic problems, wide spread interference by local authorities in the conduct of public gatherings and opposition party rallies, threats and intimidations by some local public officials. In some instances, force was used to disrupt public gatherings and detain opposition supporters throughout the country. There was concern among opposition leaders that the national elections board lacked independence and impartiality because of the dominance of the ruling party in the operation and administration of that board. In the days preceding the elections, there was a spike in negative campaigns on radio and television using images and messages designed to intimidate by associating the genocide in Rwanda with opposition politics.

Polling Day, May 15, 2005

As documented by various international organizations, there was a very high voter turnout on May 15, 2007, election day. There were international elections observers as well as political party observers who attended the polling stations to ensure the integrity of the outcome of the elections.

Election day was not entirely without its problems. There were significant instances of expulsion and harassment of poll workers and inadequate supply of polling materials. However, the incidents of intimidation, multiple voting, ballot stuffing, and disregard for secret vote was limited.

Post Election Period

The early elections results showed considerable gains for opposition candidates. Opposition parliamentary and municipal candidates swept the seats in the capital, Addis Ababa. Opposition candidates had posted substantial gains in most of the reporting constituencies, and all objective indications were that the winning margins for opposition candidates would expand as more reports came in.

Even though the Board was required to announce the official results on June 8, that requirement was superseded when Prime Minister Meles Zenawi declared a state of emergency, outlawed any public gathering, assumed direct command of the security forces, and replaced the capital city police with federal police and special forces drawn from elite army units were deployed. The Elections Board simultaneously ordered the vote tallying process to stop, and on May 27, the Board released its determination that the ruling party, the Ethiopian Peoples Revolutionary Democratic Front had won 209 seats, and affiliated parties 12 more. The report indicated the opposition parties had won 142 seats. Our party filed complaints in 139 constituencies, the UEDF lodged 89 complaints, while the EPRDF raised concerns over irregularities in more than 50 seats.

The ruling party, faced with the prospect of being swept out of office, and before the votes were fully counted, announced on May 16 that it had won more than 300 seats. It conceded that opposition parties had won the capital, but claimed victory in the national parliamentary elections. Our party, the CUD and the United Ethiopian Democratic Forces, claimed that we had won 185 of the approximately 200 seats for which the National Elections Board had released preliminary results.

By early June, 2005, it was unofficially reported that the ruling party had won the parliamentary elections. This led to spontaneous public protests and demonstrations throughout the country alleging election fraud. Throughout June and subsequent months, such protests continued. The government undertook a program of massive arrests and incarceration of protesters and political opponents. In an attempt to suppress protests, hundred of demonstrators were shot and killed or severely wounded. Our party strongly protested the use of deadly force against unarmed protesters.

Report of the Official Inquiry Commission

On October 18, 2006, the report of a 10-member public inquiry into election-related unrests was released to the Associated Press. The Commission concluded that a total of 193 people were killed and 763 were injured, a number much higher than that was reported by the Ethiopian government. The vice chairman of the Commission, Judge Wolde-Michael Meshesha, told AP that "this was a massacre . . . these demonstrators were unarmed yet the majority died from shots to the head." He

added that the government attempted to pressure and intimidate members of the inquiry after learning about its controversial finding.

As you will recall, both the Chairman and Vice Chairman of the Commission have briefed this Congress in November, 2006.² The chief of the European Union Election Observer Team, Ana Gomes, commenting on the Commission's report stated that the report "only confirms what we have said in our report on the elections," and "that indeed there were massive human rights violations."

Post Election Efforts by the CUDP to Create National Political Reconciliation

In light of the unstable political situation in the country following the May, 2005 elections, the CUDP made 8 specific proposals to the government as conditions for it to join parliament. These proposals addressed a number of critical institutional and rights issues, including: restructuring of the Election Board to insure its independent and impartial operation, equal accessibility of public media to all political parties, institutional independence for the judiciary and non-interference in judicial matters by political authorities, establishment of an investigative committee to look into killings of unarmed protesters by government security forces, de-politicization and professionalization of the police and armed forces, rescission of recently introduced parliamentary procedures that limit the participation of opposition parliamentarians and governance of the City of Addis Ababa, release of all political prisoners and reopening of opposition party offices and establishment of an independent commission, that is acceptable to all parties, to follow up on the various proposals.

Government's Response to CUDP Proposals

In November 1, 2005, the government responded to the CUDP proposals by arresting, jailing and charging numerous opposition party leaders including myself, human rights advocates, journalists and civic society leaders for various state crimes. For nearly, 20 months these leaders were jailed in Kaliti prison while their case was being heard. The international press characterized the court as "Kangaroo Court."

Our Release

As you well know, there were numerous attempts by various groups to secure our release from prison. Discussions with a group of elders to find a common ground between the government and the imprisoned CUDP leaders for negotiation on the future of democracy in our country did not bear fruit because of the belligerence of the government and the ruling party. While in prison and throughout these discussions with the elders, CUDP leaders showed their unflinching commitment to finding a peaceful and negotiated settlement to the political crisis in our country. All our calls for peaceful dialogue have, unfortunately, fallen on deaf ears. Even the most basic agreement we reached with the elders to secure our release was nullified and used by the government for mind numbing propaganda to isolate CUDP from the public and to instill fear in the public so that it will refrain from supporting the party. In so doing, the government once again showed its total preoccupation in gaining temporary political advantage rather than look at the long term interest of peace, democracy and national reconciliation. Our release after 21 months, unfortunately, failed to bring us any closer to a more serious dialogue for national reconciliation.

Restoring Democracy in Ethiopia

Mr. Chairman: Democracy can and must be restored in Ethiopia.

In 2005, we expected the results of the national parliamentary elections as strong foundation for building a temple of democracy in Ethiopia. Our hopes were dashed, and we found ourselves trapped in a burning house of tyranny.

There is no democracy in Ethiopia today, despite empty claims of "recent bold democratic initiatives taken by our government, the immense progress in creating a competitive, pluralistic system of government and a more open civil society." The fact of the matter is that there is neither pluralism nor commitment to democratic principles and practices in Ethiopia.

The government's claim of political pluralism has not gone beyond the stage of political sloganeering. If pluralism involves widespread participation and a greater feeling of commitment from society members, it does not exist today in Ethiopia. If pluralism means increased and diverse participation in the political decision making process and give everyone a stake in the outcome, it does not exist in Ethiopia. If pluralism means a process where every voice is heard, conflict is resolved by dia-

²http://www.qalitiqalkidan.org/commission/Testimony_Wolde_Michael_Mesasha.pdf; http://www.qalitiqalkidan.org/commission/Testimony_Frehiywot_Samuel.pdf;

logue and compromise and an atmosphere of tolerance, understanding and respect is nurtured, it does not exist in Ethiopia today.

Democracy in Ethiopia today must not only reflect the values of pluralism, it must also be participatory, transparent and accountable, equitable and based on the rule of law. The public and its representatives must participate effectively in decision-making at the institutional levels. The government must be accountable to the people, and its administration and governance must be transparent. It must function on the basis of fair rules and procedures applied equitably throughout society minimizing arbitrariness of government actions.

The United States and other countries can help us transition into a democratic society by helping us democratic institutions. There are some who talk about democratic development by merely talking about the ritual of elections that are neither free nor fair. It is far more important to have a democracy built on free civic institutions that are driven by an independent judiciary, vigorous political parties, uncensored media, free trade unions, universities, civic society organizations and transparent and multiparty electoral commissions.

We are all aware that democratization of Ethiopia will not be accomplished overnight. But we must start the process in earnest now. There are a number of pillars of support for democratization in Ethiopia.

Establishment of An Independent Judiciary

For the past two years, I and my colleagues were on the opposite side of the bench. We were prosecuted for various state crimes including treason, outrage against the constitution, inciting, organizing or leading armed rebellion, obstruction of the exercise of constitutional powers, impairing the defensive power of the state, and attempted genocide. Some of these offenses are capital crimes.

Our prosecution occurred in a court system that has little institutional independence and subject to political influence and manipulation. It is a judiciary that is used as a tool of political harassment, intimidation and persecution. Judges are selected not for professionalism or legal knowledge but for their loyalty to the government.

It is universally accepted that an independent and professional judiciary is a key element in the institutionalization of the rule of law, the promotion and protection of human rights and even in implementing social and economic reform in society. The Charter of the United Nations declares the determination "to establish conditions under which justice and respect for the obligation arising from treaties and other sources of international law can be maintained" (Article 1 (3)) and the aim to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion" (Articles 1 (3), 55 (c)).

The 1948 Universal Declaration of Human Rights⁽⁴⁾ provides for an independent judiciary in Article 10: "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him." Article 14 of the International Covenant on Civil and Political Rights, explicitly states that "all persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law." There are many other principles that support an independent judiciary.

Ethiopia, of course, accepts these principles and obligations. In fact, judicial independence is guaranteed by Article 78 of the Ethiopian Constitution. Art. 13 of the Ethiopian constitution states: "The fundamental rights and freedoms enumerated in this Chapter shall be interpreted in a manner consistent with the Universal Declaration of Human Rights, international human rights covenants and conventions ratified by Ethiopia." And the constitutional "human rights" and "democratic rights" enumerated in Arts. 14–43 depend on the vitality and independence of the judiciary for their preservation and protection.

The fact of the matter is that there is no independent judiciary in Ethiopia today; at best there is a court system that is fully dependent on the political authorities for its own institutional existence.

Although judges are supposed to be free of political party politics, many are under the control of the party in power, if not outright members. The judiciary is not perceived as an independent and impartial body accessible by the public to seek justice and protect their legitimate rights. With the judiciary under the effective control of the executive, as it is today, there is little confidence in its institutional powers or the legitimacy of its rulings; and very little public expectation that the judiciary can be the guarantor of individual rights protected by the constitution or the law. As

a result, the Ethiopian judiciary has failed to be the guardian of the Constitution and a protector of human rights.

Judicial reform in Ethiopia must begin with the realization that judges must be insulated from external pressure in their duties and must decide matters before them impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats, direct or indirect, from any quarter or for any reasons. This principle must be accepted by the political authorities as well as the public.

The principal danger to judicial independence comes from parallel institutional forces in the form of executive interference and manipulation and legislative meddling in judicial matters. Impartiality requires that in the discharge of his judicial duty a judge is answerable to the law and his conscience only.

There are various ways judicial independence could be achieved. Institutional and constitutional reforms have to be implemented to ensure the judiciary's capacity to deal with all matters of a judicial nature. The judiciary should have the exclusive authority to decide whether a matter submitted to it is under its jurisdiction. The final decisions of the judiciary must not be subject to revision of any the legislative or executive powers.

These proposals for reforms are not anything new. In fact, in Arts. 79–84 of the Constitution, all of them are listed one by one.

The Ethiopian judiciary has serious structural problems. As has been said, "A competent and independent judiciary can make a bad law become a good law, while an incompetent and dependent judiciary can make a good law become a bad one." In Ethiopia, the judiciary is adversely affected by many factors that undermine its performance. It lacks adequate funds for proper performance, public confidence in its institutional process, well-qualified and interested lawyers in judicial service, low morale, merit based system for judicial selection. The status and compensation of judges is very low. Little attention was paid to their education and training.

Institutional guarantees are essential in establishing judicial autonomy and independence. This requires political commitments by those in the executive and legislative branches and public awareness and appreciation of the significance of an independent judiciary.

In addition to structural reforms, there must also be judicial accountability that will establish public confidence in the court system and enhance the quality of the judicial services. Such accountability can not occur unless mechanism are in place to monitor the relationships between those on the bench and those in the political branches and the need to fight judicial corruption which is always a looming threat.

If we can not have serious judicial reforms, not only will we be unable to protect the rights of citizens, but we will always live under the rule of the gun instead of the rule of law. 6

The U.S. can help us establish an independent judiciary by providing support to train judges in procedures that meet international standards. Such support could also be used to monitor political interference in the work of the judiciary..

Free Media Institutions

The Committee to Protect Journalists recently ranked Ethiopia at the top of the list of countries where there is little freedom of press. Without a free press, there can be no meaningful democracy. People in Ethiopia, particularly in the rural areas, do not have access to important political information because of exclusive government control of the media. Political parties need to have equal access to media controlled by the government so that they can effectively communicate with the people. The U.S. can help by promoting private electronic media and supporting the emergence of newspapers, weeklies and magazines, and other electronic media to help develop a well-informed informed public.

Independent Electoral Commission

The lack of impartiality and transparency of the Ethiopian National Electoral Board was one of the factors that complicated the resolution of the dispute in the 2005 elections. We need an elections board that is representative of all the political parties and enjoys the public trust. People need to have confidence that their votes are counted correctly and there is no elections fraud. The U.S is in the best position to provide technical assistance in establishing an independent electoral commission.

Improving the Human Rights Situation in Ethiopia

Mr. Chairman: You and this committee have worked tirelessly too improve the human rights situation in Ethiopia. The proposals that are currently being deliberated in this House are vital to the revitalization of human rights in Ethiopia, and in many ways reflect the policy positions of the CUDP, and many stated in our 8-point proposals.

We in the CUDP believe that all political prisoners in the country must be released and their democratic rights restored. We support democratic reforms and accountability. We favor protections for human rights and civic society organization and ensure adequate monitoring and reporting processes. We have argued for an independent judicial system with effective monitoring processes to protect judges from political interference. We are committed to bringing to justice all human rights abusers to justice. We have called for improvements in election procedures to ensure fraud free elections. We support the existence of a free press without censorship and restrictive press laws, and programs that seek to strengthen private media in Ethiopia.

We believe human rights and democratic institutions building go hand in hand. We fully support training programs that enhance democratic participation by the people, and enable political parties to do a better job in organization building and campaign management, lawmakers do a better job of legislative crafting, civil society groups become effective facilitators in the democratic process and professionalization of the National Election Board to help it become fair and balanced. We support limiting the use of U.S. security assistance to peacekeeping and counter-terrorism and not against the civilian population.

HUMAN RIGHTS

Mr. Chairman: I find it somewhat difficult to tell you and this Committee about human rights abuses and remedial actions to improve the human rights condition there. You have spent over two years studying the human rights situation in Ethiopia. You have come to Ethiopia time and again to take a first hand look, and to talk to political leaders in the government and the opposition, human rights advocates and civic society leaders and ordinary people. You have reviewed the reports and analysis of the numerous international human rights organizations on human rights conditions in Ethiopia. In my view, there are few individuals or institutions more familiar with the human rights situation in Ethiopia today than the Chair and members of this Committee.

All I can say today is highlight the incontrovertible facts about human rights in Ethiopia. It is well known that the current regime has sought to put up a façade of commitment to human and democratic rights. But its practices contravene all of its obligations under the Ethiopian constitution and the human rights conventions that bind Ethiopia.

The Ethiopian constitution under Art. 14 enumerates all of the “human rights” enjoyed by Ethiopian citizens. Arts. 14–28 enumerate these rights and include basic protections and guarantees of due process. Art. 13, sec. 2 states “The fundamental rights and freedoms enumerated in this Chapter shall be interpreted in a manner consistent with the Universal Declaration of Human Rights, international human rights covenants and conventions ratified by Ethiopia.”

In fact, the ruling regime observes neither its own constitution nor the requirements of well-established international human rights conventions. The government established Inquiry Commission I mentioned above has documented the widespread excessive use of force by government security forces. It has imprisoned hundreds of thousands of innocent people on suspicion of opposition or disloyalty. The human rights violations committed by this government are so numerous in their variety, and nature that it would obviously be too difficult to list them all here. But I wish to cite a few examples documented in the most recent U.S. State Department Human Rights Report for 2006.

The report stated that “Although the [Ethiopian] constitution and law prohibit the use of torture and mistreatment, there were numerous credible reports that security officials often beat or mistreated detainees.” Massive arrests and detentions are common, and the Report concluded, “are Although the [Ethiopian] constitution and law prohibit arbitrary arrest and detention, the government frequently did not observe these provisions in practice. . . . Authorities regularly detained persons without warrants and denied access to counsel and family members, particularly in outlying regions . . . The independent commission of inquiry . . . found that security officials held over 30,000 civilians incommunicado for up to three months in detention centers located in remote areas . . . Other estimates placed the number of such detainees at over 50,000.

There is a substantial risk of miscarriage of justice in the judiciary: “While the law provides for an independent judiciary, the judiciary remained weak and overburdened. The judiciary was perceived to be subject to significant political intervention.” Expressive freedoms are severely regulated or punished: “While the [Ethiopian] constitution and law provide for freedom of speech and press, the government restricted these rights in practice. The government continued to harass and prosecute

journalists, publishers, and editors for publishing allegedly fabricated information and for other violations of the press law. The government continued to control all broadcast media. Private and government journalists routinely practiced self censorship.”

On a matter that I have intimate knowledge: “The 200 political prisoners on trial in the Addis Ababa federal system were held in two separate prisons, Kaliti and Kerchele, often under harsh conditions. In March CUD Secretary General Muluheh Eyoel was placed in solitary confinement at Kerchele prison. In August fellow CUD member Andualem Arage, along with journalists Sisay Agena and Eskinder Nega, were placed in solitary confinement.” Perhaps the word “harsh” is an understatement. Perhaps better words to describe our condition may have been “dehumanizing,” “atrocious” or “barbarous.”

Th right to assembly and association were vilated just the same: “The [Ethiopian] constitution and law provide for freedom of assembly. Prior to the May 2005 national elections, there were numerous opposition rallies, including one that occurred in Addis Ababa that was attended by nearly one million persons the weekend prior to the elections. However, immediately following the elections and throughout the year, the government restricted this right in practice. From May 2005 to year’s end, the government granted only one permit allowing a public demonstration to take place . . . Although the law provides for freedom of association and the right to engage in unrestricted peaceful political activity, the government in practice limited this right. The Ministry of Justice registers and licenses NGOs, and there was some improvement in transparency of the NGO registration process. The government continued to deny registration to the Human Rights League (see section 4).”

CONCLUSION

Ethiopia has many problems, including a legacy of repression, corruption and mismanagement. It will not be easy for confront the past, We must start at the right point by embracing the rule of law, human rights and democracy. The time is ripe to develop a direct approach to democratization in Ethiopia. The U.S. can help by using its considerable influence to encourage the government to negotiate with the opposition. Only through dialogue and negotiation will stability and peace be guaranteed. As a long time friend of Ethiopia, I know you will stand by Ethiopia and Ethiopians in the these difficult times.

Thank You Mr. Chairman

Mr. PAYNE. Thank you very much. Dr. Nega.

STATEMENT OF BERHANU NEGA, PH.D., FORMER POLITICAL PRISONER AND CITIZEN OF ETHIOPIA

Mr. NEGA. Thank you, Mr. Chairman. I know you are in a hurry to go to the bill, and I think that is more important than my presentation but let me speedily go through it. Like my other colleagues, I have a longer statement that you have just——

Mr. PAYNE. That will be put into the record. Thank you.

Mr. NEGA. It is indeed a great honor and privilege to get the opportunity to appear before you to discuss issues related to the state of democracy in Ethiopia. Since my colleague, Judge Bertukan have spoken on the current state of democracy in Ethiopia in great detail, it would be more fruitful to concentrate my remarks on where we are headed.

I must, however, first use this opportunity to thank the committee, particularly the chairman and the ranking member, for your unflinching support for the cause of liberty and democracy in Ethiopia and for your efforts to secure our release from prison.

When I met Congressman Smith in Atawa after the first massacre in June, I told him the story of the continuous open surveillance by security forces that I and other CUD leaders were subjected to beginning immediately after the election. I told him the behavior of security forces during this surveillance. I told him

about the insult, the occasional spitting in our faces, the wielding of loaded guns and the direct and open threats on our lives.

He first thought that this was simply an exaggerated claim by the opposition to tarnish the image of the government of Meles Zenawi. I remember him telling us that this cannot happen. No decent government could do this to a legal opposition.

For him it was simply unfathomable that a government that claims to be democratic could even think about doing such a barbarous thing in the 21st century. I asked him if he wants to see it in his own eyes right there and then by taking a 5-minute drive with me. He agreed, and he sent one of his aids with me for a few blocks ride.

The minute we left the U.S. Embassy grounds, there they were. Two cars full of plain clothed men without any fear of being seen but tailgating me wherever I go. The rudeness of the security guys was quite amazing to my guest in the car but for me that was the life I lived for 6 months until I was finally sent to prison in November.

I heard later that the Congressman has promised to raise the issue with the Prime Minister and got the usual response, a complete denial. That is the arrogance of dictatorships that we have to live with on a daily basis. The effect of such form of government on the economy and on the fight against poverty was an issue that was given short shrift by aid agencies and international development institutions.

I strongly believed then and I passionately believe now that the only way we could have a stable and prosperous Ethiopia that could be a source of stability in the region and a stable and reliable partner to the international community in the struggle against terrorism and extremism is by democratizing the country and providing basic liberty to its citizens. Mr. Chairman, I believe this link between good governance and economic development is by now incontrovertible. Even the World Bank is grudgingly accommodating this issue.

Last weekend's edition of the *Wall Street Journal* featured an article titled "The Secrets of Intangible Wealth by Ronald Beli," and I quote:

"Intangible wealths, the trust among people in a society, an efficient judicial system, clear property rights, and effective government boosts the productivity of labor and results in higher total wealth."

The World Bank finds human capital and the value of institutions as measured by rule of law constitute the largest share of wealth in virtually all countries.

Eighty percent of the wealth of rich countries and 60 percent of the wealth of poor countries is of this intangible type. Bottom line, rich countries are largely rich because of the skills of their populations and the quality of their institutions supporting economic activities.

According to their regression analysis, the rule of law explains 57 percent of countries' intangible capital. Education accounts for 36. The United States scores 91.8 out of 100 on the rule of law index

and Ethiopia 16.4. Thirty well-developed countries have an average score of 90 while sub-Saharan Africa is a dismal 28.

The World Bank's path breaking "Where Is the Wealth of Nations?" study convincingly demonstrates that the mainsprings of development are the rule of law and good governance and good school systems. The big question that its researchers do not answer is: How can the people of the developing world rid themselves of the hypocrites who loot their countries and keep them poor? That is a political question that we must answer in Ethiopia if Ethiopia is to be prosperous, stable and at peace with itself, and that is what Ethiopia seriously lacks presently.

Since the brutal repression of the democracy movement in 2005, the country is moving further and further away from the party of democracy and prosperity and toward the slippery slope of conflict and tyranny. More recently Ethiopia is again in the news concerning the conflict and the horrific human rights abuse perpetrated by the government on its own people in the Ogaden region.

Our heart bleeds for those civilian compatriots who are the most recent victims of this ongoing conflict in our country, and I condemn this barbarity in the strongest possible terms. But I am afraid that Ogaden is but one manifestation of the escalation of conflict in various parts of the country, largely owing to the refusal of the government to address the political problems of the country in a peaceful and civilized manner.

Currently there is some kind of low intensity guerilla warfare in eight out of the nine regions of the country. In Aromia and Amara, the two largest regions of the country, human rights abuses, lack of good governance and democratization has alienated the population so much it has become an open field of recruitment recruiting armed combatants to a variety of causes.

Even in Tegre the region that is supposedly most favorable for the ruling party is slowly becoming a hotbed of armed opposition to the government. The building armed conflict in the country is fueled by the loss of hope among the population in the government's ability and willingness to find a peaceful negotiated settlement to the country's political impasse.

This was made amply clear to the public in the way the government handled the problems related to the 2005 elections. Unless otherwise something is done soon to reverse this frightening trend, I am afraid our country will further plunge into a more intensified conflict with wider ramifications to the region's stability and the international community's wider interest in combating terrorism.

Madam Chair, the political problem of Ethiopia is not complicated at all, as some suggest. In my view, it is really a very simple problem. The manifestations of the problem could be varied but the source and essence of the problem be the same. Whether or not Disarma, Oromia, Amhara, Ogaden or Tegre, the issue is the same. It is a people's yearning for democracy. It is a fulfillment of the aspirations of the Ethiopian people to live in freedom and liberty.

It is their natural urge to be ruled by a government they elected. They have amply demonstrated that they deserve such a system in the 2005 elections. All the other issues that are specific to the various regions, important as they are, are simply a variation on the

same theme. If we address these issues of democratization and the rule of law, that were clearly written in the constitution of the country in practice, if we do this through a peaceful negotiated settlement on the mechanics of how to institutionalize in practice we would have addressed the greater portion of the country's development problems.

I really believe the various opposition forces in Ethiopia, both armed and peaceful, are matured enough at this time to work toward this end and settle their political differences through the ballot box if the polls are credible and the institutions that ensure this are in place.

What remains is to put enough pressure on the government to see that this is the only future for Ethiopia, and that it should be a part of this future. The government must be and can be pressured to see this light and play a constructive role in ushering this new democratic and prosperous Ethiopia.

Madam Chair, Ethiopia has always been a good friend to your country, and the relationship between our two countries has a long history. The Ethiopian people have a great admiration to the American people, particularly for their hard work, decency and above all their love to liberty. The Ethiopian people rightly expect Americans to be with them in these difficult times and support their legitimate struggle for liberty as they deeply believe they are with Americans in their fight against terrorism and extremism.

I deeply believe that the fight against terrorism is a struggle for decency and liberty. The best enduring allies in the fight against terror are those countries and governments that deeply share the values of liberty and democracy.

Dictatorships that have nothing but scorn for liberty in relation to their own people. Autocratic regimes that see all alliances as temporary instruments with the sole purpose of maintaining their grip on power. Governments that have no qualms about lying and cheating insofar as it proves them even temporarily useful to maintain power and states that terrorize their own people cannot be real allies to a fight against international terrorism.

A good and durable ally for your country is a stable and democratic Ethiopia. As a good friend and ally that provides both support for the Government of Ethiopia, the United States has a potential and certainly the capacity to help us get out of the current political impasse. We know most of the work to make this reality is to be done by local political forces. Still, well-timed and measured pressure from the international community will certainly help.

All that is needed from the United States is to work with its other allies to mount a coordinated pressure to force the Ethiopian Government to negotiate in good faith with all the opposition political forces for a broad political settlement that leads toward a genuine democratization in Ethiopia.

I truly believe, Madam Chair, that the opposition would play its part for such an effort if the government is serious but such an effort is time sensitive. It has to happen quickly before the ongoing conflict passes that threshold where peaceful and negotiated settlement becomes too late in the game.

Madam Chair, working toward such an outcome is not only the right thing to do but also the smart thing to do. The world community has enough experience by now to know that doing nothing at the early stages of a crisis could be extremely costly later. The crisis in Ethiopia is a looming crisis. If we act wisely now, we can avoid a lot of pain later.

I hope the United States will play its part to bring about a peaceful and durable solution to the political crisis in Ethiopia. Such an outcome is good for the Ethiopian Government, it is good for the international community, and certainly it is good for Ethiopia. I know, Mr. Chair, under your leadership your committee and this House will do its part for the well-being of the Ethiopian people. Thank you very much.

[The prepared statement of Mr. Nega follows:]

PREPARED STATEMENT OF BERHANU NEGA, PH.D., FORMER POLITICAL PRISONER AND
CITIZEN OF ETHIOPIA

INTRODUCTION

Chairman Payne, Ranking member Congressman Chris Smith, Distinguished Members of the House Africa Subcommittee, and Committee Staff:

Ladies and Gentlemen,

It is indeed a great honor and privilege to get the opportunity to appear before you to discuss issues related to the state of Democracy in Ethiopia. Since my colleague Judge Bertukan have spoken on the current state of democracy in Ethiopia in great detail, it would be more fruitful to concentrate my remarks on where we are going as a country in terms of political stability and democratization. I will largely limit my brief presentation to that issue today.

I must, however, first use this opportunity to thank the committee, particularly the chairman and the ranking member for your unflinching support for the causes of liberty and democracy in Ethiopia and for your efforts to secure our release from prison.

Mr. chairman, your personal visit to Kaliti and your words of support when we met in prison was a great source of strength for all of us during our long period of incarceration on what everyone knows are completely fabricated charges that will not deserve a minute's worth of a judge's time in any self respecting court. For most foreign observers of that court's proceedings, it must have been a text book case of the waste of the human and material resources that condemned developing countries to their perpetual poverty. For me as an Ethiopian, it was a painful but familiar exercise in the humiliation not only of individual functionaries of the state, but key institutions such as the judiciary, inflicted by the incredible arrogance of dictatorships.

Your visit to Kaliti was a source of strength for us partly because of the different message that it conveyed to us about America's position towards dictatorships in our continent. At a time when we were uncertain about US positions based on what we were hearing from the then official representative of the US government, your visit reassured us that this great nation's commitment to democracy and human rights is still strong. We really thank you for that.

You must also allow me to use this opportunity, Mr. chairman, to thank numerous US citizens that provided us with continuous support by writing to congress on our behalf, by urging the executive branch to reflect their core values of liberty, democracy, and human rights in its dealings with our country, Ethiopia.

When I met congressman Smith in Addis Ababa after the first massacre in June, I told him the story of the continuous open surveillance by security forces that I and other CUD leaders were subjected to beginning immediately after the election. I told him the behavior of the security forces during this surveillance. I told him about the insult, the occasional spitting on our faces, the wielding of loaded guns and the direct and open threats on our lives. He first thought that this was simply an exaggerated claim by the opposition to tarnish the image of the government of Meles Zenawi. I remember him telling us that this cannot happen. No decent government could do this to a legal opposition. For him, it was simply unfathomable that a government that claims to be democratic could even think about doing such a thing in the 21st century. I asked him if he wants to see it in his own eyes right there and then by taking a five minutes drive with me. He agreed and he sent one

of his aides with me for a few blocks ride. The minute we left the US embassy grounds there they were. Two cars full of plainclothes men, without any fear of being seen but tailgating me wherever I go. The rudeness of the security guys was quite amazing to my guest in the car. But for me that was the life I lived for six months till I was finally sent to prison in November. I heard later that the congressman, as promised, raised the issue with the Prime Minister and got the usual response. Complete denial. That is the arrogance of dictatorships that we have to live with on a daily basis.

The absence of the rule of law in any meaningful way in our country does not need detailed reporting to this committee. It is a well known fact and amply reported by human rights groups and the State Department, among others. The human rights abuses practiced in countries such as Ethiopia mainly because of lack of rule of law and democratization is also well documented. But, the effect of such form of government on the economy and on the fight against poverty was an issue that was given short shrift by aid agencies and international development institutions such as the World Bank and the IMF. A number of scholars (among them the Nobel Laureate Amartya Sen) have been strongly arguing on the link between freedom and development for a long time, although largely ignored by development practitioners. As an economist and the president of the Ethiopian Economic Association, I personally have advised policy makers in Ethiopia for the need to open up and democratize society as part of the larger strategy to provide peace, stability and economic development in the country. Indeed, I was pushed to join politics largely to practice what I preached. I strongly believed then, and I passionately believe now that the only way we could have a stable and prosperous Ethiopia that could be a source of stability in the region and a stable and reliable partner to the international community in the struggle against terrorism and extremism is by democratizing the country and providing basic liberty to its citizens.

Mr. Chairman,

I believe this link between good governance (as defined by the existence of rule of law) and economic development is by now incontrovertible. Even the World Bank is grudgingly acknowledging this issue.

Last weekend's edition of the Wall Street Journal (September 29–30th, 2007) featured an article titled "The Secrets of Intangible Wealth" by Ronald Bailey based on the recent World Bank Research "Where is the Wealth of Nations?" Following is excerpt from the article:

Intangible wealth—The trust among people in a society, an efficient judicial system, clear property rights, and effective government boost the productivity of labor and results in higher total wealth. The world bank finds, "Human capital and the value of institutions (as measured by rule of law) constitute the largest share of wealth in virtually all countries." . . . 80% of the wealth of rich countries and 60% of the wealth of poor countries is of this intangible type. Bottom line, "Rich countries are largely rich because of the skills of their populations and the quality of the institutions supporting economic activities." According to their regression analysis, the rule of law explains 57% of countries' intangible capital. Education accounts for 36%. The US scores 91.8 out of 100 on the rule-of-law index and Ethiopia 16.4. 30 wealthy developed countries have an average score of 90, while sub-Saharan Africa's is a dismal 28.

The World Bank's path breaking "Where is the Wealth of Nations?" convincingly demonstrates that the "mainsprings of development" are *the rule of law and a good school system*. The big question that its researchers don't answer is: How can the people of the developing world rid themselves of the kleptocrats who loot their countries and keep them poor?"

Mr. Chairman,

That is the political question that we must answer if Ethiopia is to be prosperous, stable and at peace with itself. And that is what Ethiopia seriously lacks presently. Since the brutal repression of the democracy movement in 2005, the country is moving further and further away from the path of democracy and prosperity and towards the slippery slope of conflict and tyranny. The key political challenge we are facing as a country today is whether we are able to choose the right course. Unfortunately, this decision currently and largely rests on the government in power and all indications are that it seems determined to cling on to power by force even if it is plain to anyone with a clear mind that this could only lead to further conflict and instability and economic misery to its largely impoverished population.

More recently, Ethiopia is again in the news concerning the conflict and the horrific human rights abuse perpetrated by the government on its own people in the Ogaden region. Our heart bleeds for those civilian compatriots who are the most recent victims of this ongoing conflict in our country and we condemn this barbarity in the strongest possible terms. But, I am afraid the Ogaden is but one manifesta-

tion of the escalation of conflict in various parts of the country largely owing to the refusal of the government to address the political problems of the country in a peaceful and civilized manner.

Currently, there is some kind of low intensity guerilla warfare in 8 out of the 9 regions of the country. In Oromia and Amhara, the two largest regions of the country, human rights abuses, lack of good governance and democratization has alienated the population so much, it has become an open field for recruiting armed combatants to a variety of causes. Even in Tigray, the region supposedly most favorable for the ruling party is slowly becoming a hot bed of armed opposition to the government. The broadening armed conflict in the country is fueled by the loss of hope among the population in the government's ability and willingness to find a peaceful, negotiated settlement to the country's political impasse. This was made amply clear to the public in the way the government handled the problems related to the 2005 elections and its current belligerent behavior. What the government's brutality showed was that any serious attempt at a peaceful opposition or any serious challenge to the powers of the ruling party even through the ballot box will meet stiff resistance from the government.

Unless otherwise something is done soon to reverse this frightening trend, I am afraid our country will further plunge into a more intensified conflict with wider ramifications to the region's stability and the international community's wider interest in combating extremism.

Mr. Chairman,

The political problem of Ethiopia is not complicated as some suggest. In my view it is really a very simple problem. The manifestations of the problem could be varied. But the source and essence of the problem is the same. Whether in Addis Ababa, Oromia, Amhara, Ogaden or Tigray, the issue is the same. It is the people's yearning for democracy. It is the fulfillment of the aspiration of the Ethiopian people to live in freedom and liberty. It is their natural urge to be ruled by a government they elected. They have amply demonstrated that they deserve such a system in the 2005 elections. All the other issues that are specific to the various regions, important as they are, are simply a variation on the same theme. If we address these issues of democratization and the rule of law that were clearly written in the constitution of the country in practice, if we do this through a peaceful, negotiated settlement on the mechanics of how to institutionalize it in practice, we would have addressed the greater portion of the country's development problems. I really believe the various opposition forces in Ethiopia (both armed and peaceful opposition) are matured enough at this time to work towards this end and settle their political differences through the ballot box if the polls are credible and the institutions that ensure this are in place. What remains is to put enough pressure on the government to see that this is the only future for Ethiopia and that it should be a part of this future. The government must be and can be pressured to see this light and play a constructive role in usuring this new democratic and prosperous Ethiopia.

Mr. Chairman,

Ethiopia has always been a good friend to your country and the relationship between our two countries has a long history. The Ethiopian people have a great admiration to the American people particularly for their hard work, decency and above all their love for liberty. The Ethiopian people rightly expect Americans to be with them in these difficult times and to support their legitimate struggle for liberty as they deeply believe they are with Americans in their fight against terrorism and extremism. I deeply believe that the fight against terrorism is a struggle for decency and liberty. The best and durable allies in the fight against terror are those countries and governments that deeply share the values of liberty and democracy. Dictatorships that have nothing but scorn for liberty in relation to their own people, autocratic regimes that see all alliances as temporary instruments with the sole purpose of maintaining their grip on power, governments that have no qualms about lying and cheating in so far as it proves even temporarily useful to maintain power and states that terrorize their own people, cannot be real allies to a fight against international terrorism.

A good and durable ally for your country is a stable and democratic Ethiopia. As a good friend and ally that provides broad support for the government of Ethiopia, the United States has the potential and certainly the capacity to help us get out of the current political impasse. We know most of the work to make this a reality is to be done by local political forces. Still, well timed and measured pressure from the international community will certainly help. All that is needed from the US is to work with its other allies to mount a coordinated pressure to force the Ethiopian government to negotiate in good faith with all the opposition political forces for a broad political settlement that leads towards genuine democratization in Ethiopia. I truly believe, Mr. chairman, that the opposition would play its part for such an

effort if the government is serious. But such an effort is time sensitive. It has to happen quickly before the ongoing conflict passes that threshold where peaceful and negotiated settlement becomes too late in the game.

Mr. Chairman, working towards such an outcome is not only the right thing to do but also the smart thing to do. The world community has enough experiences by now to know that doing nothing at the early stages of a crisis could be extremely costly later. The crisis in Ethiopia is a looming crisis. If we act wisely now, we can avoid a lot of pain later. I hope the United States will play its part to bring about a peaceful and durable solution to the political crisis in Ethiopia. Such an outcome is good for the Ethiopian government, good for the international community and certainly good for Ethiopia.

I know, Mr. Chairman, under your leadership your committee and this house will do its part for the wellbeing of the people of Ethiopia.

Thank You Very Much.

Ms. WOOLSEY [presiding]. Thank you, Dr. Nega, and now Dr. Pham.

STATEMENT OF J. PETER PHAM, PH.D., DIRECTOR, NELSON INSTITUTE FOR INTERNATIONAL & PUBLIC AFFAIRS, JAMES MADISON UNIVERSITY

Mr. PHAM. Thank you, Madam Chair, and in the interest of time, I would ask that my full statement be entered into the record.

Ms. WOOLSEY. Without objection, so ordered. We have more time now. They cannot come back. Our chairman and his ranking member are down on the floor doing what you want them to be doing. So do not feel rushed.

Mr. PHAM. Thank you. Members of the subcommittee, the most salient feature of the contemporary geopolitical landscape of the Horn of Africa subregion is the vacuum that has existed in what was until January 1991 the territory of the Somali Democratic Republic. Now as we have heard described an insurgency has taken root there for a variety of reasons, and consequently numerous human rights and humanitarian crises have erupted.

And irrespective of the motivations for their insurgency, the opponents of the transitional Federal Government of Somalia, Islamists and clan loyalists alike, are only able to carry on their fight thanks to outside support which evidence indicates to be channeled largely through Eritrea, one of the countries with one of the worst human rights records not only in the region but around the world.

It should be noted that Eritrea enjoys the rather dubious distinction of being one of only eight nations designated by the U.S. State Department as countries of particular concern with respect to international religious freedom. That said, the conflict in Ethiopia's Somalia regional state does not occur in a vacuum. It takes place within a dynamic regional context.

Whether its new found operational sophistication is directly attributable to Eritrean or other external inputs or not, and irrespective of historical or other justifications which might be advanced for its activities and which are beyond the scope of our inquiry this morning, it is a fact, Madam Chairman, that the ONLF has managed to escalate in recent months a long simmering conflict. I have appended to my written testimony a list of the Ogadeni victims of the ONLF just in the last 6 months to give a name and a face to these people.

With respect to the ONLF, it has to be noted that it does not necessarily represent all ethnic Somalis in the region which is sometimes incorrectly known as the Ogaden. The nature and the extent of the ONLF's base is difficult to determine and subject to not little dispute. What is certain, however, is there are ethnic Somali subclans in the region whose members the ONLF clearly does not represent as well as subclans which have considerable ties to the group.

The fact is the total population figures of the geographical region in question are highly contested, much less the breakdown of the aggregate figures into non Somalis and ethnic Somalis and among the latter, non Ogadeni lineages and Ogadeni lineages, and then among the last mentioned, those for whom the ONLF speaks and those who reject its claims to represent them.

Whatever, in response the Ethiopian Government has undertaken major counterinsurgency operations in the region and imposed, since May of this year, a trade blockade which has exacerbated the humanitarian situation of the region's population, which given their pastoralistic economy is particularly vulnerable. There are allegations denied by the Ethiopian Government that having created food dependency through the blockade the government is now selectively lifting it in a manner that favors certain interests to the detriment of others.

Similar accusations, likewise denied, are leveled against the ONLF for likewise abusing food aid and not respecting the neutrality of international intergovernment and nongovernmental relief organizations. Madam Chairman, the most significant national interest at stake for the United States in this very complex context is to prevent al-Qaeda and other like minded terrorist networks from acquiring a new base and opening a new front in their war against us and our allies.

This is certainly a danger posed by Eritrea's dangerous sponsorship of anti-Ethiopian forces, which include elements clearly linked to al-Qaeda and other jihadist elements. In the long term, however, our objective of a stable and secure Horn of Africa is best achieved if the countries of the subregion and their peoples are secure within their boundaries and without, benefiting from the rule of law, governed by leaders accountable to their electorates and enjoying the prospects of development.

However, if we are to have any hope of getting there from where we are today, we have to be careful to avoid the path of expedience. Far from being our friend, our enemy's enemy may not necessarily share our intermediate, much less long-term goals.

The crisis in the subregion, as I mentioned, begins in the former Somalia but it represents dangers, challenges and opportunities to the countries and the peoples of the entire subregion as well as to the international community and ultimately of greatest concern to us as Americans, to the United States.

Human rights and democracy cannot be promoted in this geopolitically critical area if the lack of security and stability presents governments with all too tempting or convenient pretenses to abridge them. On the other hand, without improving the social, economic and political environment that allows terrorists, local or international, to operate in the area and manipulate long suffering

indigenous populations for their own radical ends, all the security resources in the world are for naught.

To this end, permit me to summarize several recommendations. If, as I note at the beginning, the most salient feature of the geopolitical landscape is the ongoing statelessness and chaos in the territory of the former Somali Democratic Republic with their accompanying human rights and humanitarian costs as well as the potential for terrorist penetration and the spread of conflict throughout the region, then the international community must devote the attention and resources necessary to help the people of Somalia rebuild a stable political base.

This means encouraging within Somali society inclusive dialogue of all stakeholders willing to renounce violence. It also means making recognition of the transitional Federal Government—the only coin that it really has—conditional upon the would be interim regime meeting clear benchmarks, including respect for the rights of its perspective citizens and actually proving itself in effective government rather than simply according it legitimacy.

After all, 13 transitional arrangements have come and gone. Pulling the plug on the life support of another one that fails to live up to its promise should not prove particularly difficult.

Secondly, the United States Government should make clear that it remains committed to the international accords governing relations between states in this geostrategically vital subregion, including the Algiers agreement on the demarkation of the Eritrea/Ethiopia border, as the basis for security and stability in the Horn of Africa. Of course support needs to be concrete including real resources for demobilization and reintegration of forces as well as the restoration of traditional regional trade patterns and the development of new opportunities for economic integration.

Third, we should likewise make clear that America will not look kindly on any escalation of conflict whether through direct military action or indirectly through state sponsorship of or activities carried out by organizations and individuals, whatever their name, irrespective of their grievance, that gives terrorists a greater opening into the area. We ought to encourage peaceful competition through the electoral process, and where absolutely necessary even support nonviolent resistance. We should never reward armed conflict or armed violence, especially by non-state actors.

Fourth, we should make our nonhumanitarian aid to all parties in the region, those with whom we currently have partnerships as well as those with whom we may enter into relations in some future point, conditional on their receptivity to the range of concerns that the United States has, including counterterrorism and security cooperation, respect for fundamental human rights, effective governance and a commitment to progress on democratization at home and peace building abroad.

Respect for the sovereignty of countries with which we interact requires neither our abandoning America's legitimate security interests nor prohibits us from maintaining the standards by which we have traditionally judged those who would be our friends.

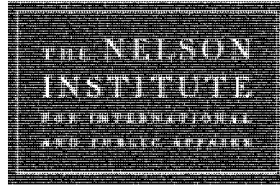
And finally to these ends the United States should be neither shy nor stingy with our assistance to promote human security writ large, including economic development and the rule of law. This

will require not only that we engage the widest possible spectrum of individuals, groups and yes, de facto polities like the Republic of Somaliland which share our objectives, but that we encourage our international partner states and institutions to do likewise.

With all due respect, I make no apologies for constantly returning to this theme. It seems to me incomprehensible that we continue to express concern about the state of democracy in the Horn of Africa while continuing to also ignore a New York size region that has held internationally monitored elections for the presidency as well as national and local legislatures. Talk of mixed signals.

With that, Madam Chairman, I will conclude and look forward to questions and observations, and I renew my thanks for the honor to appear before you today. Thank you.

[The prepared statement of Mr. Pham follows:]



**REGIONAL DIMENSIONS OF THE
HUMAN RIGHTS AND HUMANITARIAN SITUATION
IN THE “OGADEN,” SOMALIA, AND BEYOND**

Testimony before the United States House of Representatives
Committee on Foreign Affairs
Subcommittee on Africa and Global Health
October 2, 2007

By Dr. J. Peter Pham

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I am honored to have the opportunity to appear once again before the Subcommittee on Africa and Global Health and am grateful for the opportunity to add my voice to those who have already spoken on the worrisome developments in the Horn of Africa, especially the Somali Regional State (the so-called “Ogaden” region) of the Federal Democratic Republic of Ethiopia and the territory of the onetime Somali Democratic Republic.

Since, aside from expressing my admiration for the personal courage and leadership of Judge Bertukan Mideksa and Dr. Berhanu Nega, there is little that I can add to what has already been laid before the members of the Subcommittee on the question of democracy in Ethiopia, and since, unlike Ms. Fowsia Abdulkadir, I do not have the benefit of more recent firsthand knowledge of either the current conditions in the ethnic Somali regions of Ethiopia or the disposition of some of the forces in conflict—like many non-Ethiopians, I have not been allowed to venture into those parts of late and has been just over two years since my most recent foray there—I would like to concentrate on the regional context which affects the human rights and humanitarian situation in the Somali Regional State, Somalia, and other parts of the subregion. In fact, I

would submit that without an appreciation for the broader dynamics, it is impossible not only to chart a course past the current conflicts to the peace, stability, development, and democracy sought by the peoples of the Horn of Africa, but also to secure the significant national security interests that our own United States of America has in that geopolitically sensitive and significant subregion.

THE ONGOING SOMALI CRISIS

The most salient feature of the contemporary geopolitical landscape of the Horn of Africa subregion is the vacuum that has existed in what was, until January 1991, the territory of the Somali Democratic Republic. Apart from the area that was the colonial era British Protectorate of Somaliland—a subject to which I will return later—this area roughly the size of Texas has not had a functional government for over a decade and a half. Just last week, the Mo Ibrahim Foundation's Index of African Governance, developed by Professor Robert Rotberg at Harvard University's Kennedy School of Government, rated Somalia as the worst governed among the forty-eight countries of Sub-Saharan Africa. It was partially in response to this chaos that the Islamic Courts movement arose. Unfortunately, within the latter was a not-insignificant number whose members had formerly constituted the nucleus of the Somali Islamic Union (*al-Itihaad al-Islamiya*), a group established in the 1980s which sought the creation of an expansive "Islamic Republic of Greater Somalia" embracing all ethnic Somalis, and perhaps even all Muslims, in the Horn of Africa. In the early 1990s, amid the collapse of the Somali state, al-Itihaad tried to seize control of strategic assets like seaports and crossroads. Although it temporarily held the northern port of Bosaaso and the eastern ports of Marka and Kismaayo, the only area where it exercised long-term control was the economically vital intersection of Luuq, in southern Somalia, near the Ethiopian border, where it imposed harsh *shari'a*-based rule from 1991 until 1996. One might add that this was an experience foreign to the Somali tradition of Sunni Islam characterized the jurisprudence of the Shāfiī school (*mahdab*) which, although conservative, is open to a variety of liberal views regarding practice, and the charisms of the Sufi brotherhoods (*tariqa*).

From its base in Luuq, al-Itihaad encouraged subversive activities among ethnic Somalis in eastern Ethiopia, especially among some members of the Ogaden sub-clan of the Darod, some of whom carried out a series of terrorist attacks, including the bombing of two hotels and the 1995 attempted assassination in Addis Ababa of Ethiopia's then Minister of Transportation and Communications (and later Ambassador to the United Nations), Abdul Majeed Hussein, an ethnic Somali who opposed secessionists. The exasperated Ethiopian government finally intervened in Somalia in August 1996, wiping out al-Itihaad bases in Luuq and Buulo Haawa and killing hundreds of Somali extremists as well as scores of clearly non-Somali Arabs who had flocked to the Horn under the banner of *jihad*.

After that defeat, al-Itihaad changed tack and, as the longtime scholar of Somali affairs, Professor Iqbal Jhazbhay of the University of South Africa, has noted, "rather than prioritize a strategy of developing an independent military base, decided instead on what could be termed a more 'hegemonic' approach whereby it would be working within Somali political and clan structures such as the Islamist Courts." While the courts were credited with marked improvements in security in many areas of Somalia, they also represented al-Itihaad's new stealth strategy of achieving an ascendant position in society in general and within the courts movement in particular through its access to external financial resources as well as its superior internal organizational capacity. This predominance would allow it to impose its radical theology and extremist political agenda against the wishes of a majority of Somalis.

Thus the situation faced by the current Ethiopian government last year was one which *any* Ethiopian government would have found untenable: a movement increasingly dominated by proven enemies—one should not forget that Hassan Dahir 'Aweys, the chairman of the *shura* council of the Islamic Courts Union (ICU) was previously vice-chairman and military commander of al-Itihaad and before that a colonel under the dictator Muhammad Siyad Barre who was responsible for the "Ogaden War" of 1977-1978—was rapidly taking over a neighboring country. ('Aweys has long been a significant player in the world of Islamist terrorists, making the cut onto the list of 189 terrorist individuals and organizations specially designated by the U.S. government under Executive Order 13224 in the wake of 9/11.) While one might hope that any alternative to the government of Ethiopian Prime Minister Meles Zenawi

might have managed things better, I suspect that, absent the political will of the international community to allocate resources to resolving the ongoing crisis of Somali statelessness, any prospective Ethiopian government would have had to consider acting preemptively in self-defense.

Unfortunately, the vehicle the Ethiopian government used to legitimize its intervention, the so-called "Transitional Federal Government" (TFG) of Somalia, could not have been more ill-suited for the role scripted for it. As I advised the Subcommittee on African, Global Human Rights, and International Operations last year, the TFG, constituted in 2004 as the fourteenth attempt at an interim Somali authority in as many years, was an unrepresentative group of self-appointed warlords with meager prospects even before they became associated with the Ethiopians. Since its creation at an internationally-funded *kaffeeeklatsch* outside Somalia, the TFG has proven itself to be, at best, a notional entity whose day-to-day physical survival is—aside from generous U.S. and other international aid flows—due entirely to the continuing presence of the Ethiopian intervention force which rescued it last December from certain collapse in the face of an assault by the forces of the ICU, which at the time controlled Mogadishu as well as most of Somalia and were threatening to overrun the provincial outback of Baidoa, the only town which the interim "government" even had the pretense of running. And, if it were not bad enough that the TFG is dominated by fellow members of "President" Abdullahi Yusuf's Majeerteen sub-clan of the Darod clan from northeastern Puntland—a make-up that renders the would-be regime utterly unpalatable to the powerful Hawiye clan which predominates in Mogadishu—its ham-fisted style—documented in the August 13, 2007, report by Human Rights Watch covering the first four months of the year, as well as independent reporting by a number of journalists and non-governmental organization representatives, including some who have paid with their liberty or even their lives—has driven potential constituents *en masse* into the arms of its opponents, who are increasingly embracing a broad spectrum ranging from Islamists with foreign ties to alienated members of marginalized clans.

And, as the opposition to it coalesces, rather than examining the reasons for the dissatisfaction—including its failure reach out to leaders of other clans and moderate Islamists as well as its corruption and lack of transparency—the TFG has lashed out against independent voices that should be pillars of any

attempt at nation-building, including the members of the press, representatives of non-governmental organizations, and other exponents of civil society. Instead, labeling these groups as "Hawiye terrorists," it has sidelined them where it has not shut them down and arrested or killed their leadership. Even the TFG's own chief justice, Yusuf Ali Harun, is not immune from this arbitrary capriciousness as he learned to his sorrow two weeks ago when he was taken from his home in Baidoa by security officials and dragged along with another judge to a Mogadishu prison on orders of "Justice Minister and Attorney-General" Abdullahi Dahir Barre after the pair criticized the regime's misappropriation of United Nations Development Programme funds for legal reform. (This last maneuver has provoked a crisis in the TFG leadership itself as "Prime Minister" Ali Mohamed Ghedi subsequently sacked the justice minister and his deputy who, in turn, refused to accept their dismissals saying that they were answerable only to "President" Abdullahi Yusuf.)

Thus the abject failure last month of the internationally-financed "national reconciliation congress" packed with cronies of the TFG came as no surprise to those following developments in Mogadishu. Likewise not unexpected is the fact that the TFG, its Ethiopian defenders, and the woefully undermanned African Union Mission in Somalia (AMISOM)—the last-named consisting of a sole Ugandan contingent, the promised Nigerian, Ghanaian, Burundian, and other units being "no shows" (and, even if the entire authorized force materialized, it remains beyond delusional to think that a modest contingent of 8,000 Africans can succeed where the infinitely more robust UNITAF and UNOSOM II forces, with their 37,000 and 28,000 personnel respectively, failed barely a decade ago)—face a burgeoning armed resistance which, as I noted earlier this year is "repeating almost step-by-step the tactical and strategic evolution of the Iraqi insurgency," complete with suicide bombings, a tactic unknown in Somalia until last year. Assuming a leading operational role in the insurgency is *al-Shabaab* ("the Youth"), an extremist group originally led by Adan Hashi 'Ayro, an al-Qaeda-trained kinsman and protégé of Hassan Dahir 'Aweys, but which may have splintered since the Ethiopian intervention. (The split may have been exacerbated this past week with a reported rift between 'Ayro and former ICU defense chief Sheikh Yusuf Mohamed Siyad, a.k.a. "Indha'adde," over who should command in Mogadishu.)

It is no wonder that the UN High Commissioner for Refugees reported last Friday that nearly 500,000 people, almost one-third of Mogadishu's population, have fled in recent months as the city has become effectively partitioned between the zone where the TFG's writ—such as it is—still runs and the areas controlled by opponents of the regime, with the northern part of the city turned into a battlefield while the famed open-air Bakara market in the southern part, one of Africa's largest, is effectively closed for the first time in living memory (the sprawling bazaar was open for business even through the madness of the 1993 Battle of Mogadishu).

ERITREAN MEDDLING

Irrespective of the motivations for their insurgency, the opponents of the TFG, Islamists and clan loyalists alike, are only able to carry on their fight thanks to outside support, which evidence indicates to being channeled largely through Eritrea even when it does not originate there (much of it is). This is certainly the judgment of the international technical experts of the United Nations Security Council Sanctions Committee Monitoring Group for Somalia, who concluded in June of this year that "huge quantities of arms have been provided to the Shabaab by and through Eritrea" and, noting that they "has observed a clear pattern of involvement by the Government of Eritrea in arms embargo violations," concluded that "the Government of Eritrea has made deliberate attempts to hide its activities and mislead the international community about its involvement."

The conduct of the People's Front for Democracy and Justice (PFDJ)—formerly the Eritrean People's Revolutionary Front (EPRF)—regime in Asmara, while unjustified, has a rational basis behind it: the tiny country with a population of under 5 million is locked in a border dispute with its much larger neighbor, Ethiopia, with its 76 million people. Between 1998 and 2000, the two countries fought a conventional war that claimed over 100,000 lives and displaced 1.5 million others over a near-worthless strip of desert around the town of Badme (pre-war population, 1,500). Tensions between the two countries are escalating as the international arbitrators on the Eritrea-Ethiopia Boundary Commission (EEBC), which awarded the ruined town to Eritrea, announced at The Hague last month that they would finalize the border coordinates by

November before the panel's mandate expires, notwithstanding the deadlock between the two countries. (In a letter to his Eritrean counterpart last week, Ethiopian Foreign Minister Seyoum Mesfin stated that his government was being forced to consider terminating the accord between the two countries to abide by the EEBC's eventual demarcation given Eritrea's material breach of the agreement by occupying the demilitarized zone and restricting the United Nations ceasefire monitors.)

Thus Eritrea funnels arms to Somali insurgents attacking Ethiopians in as a way to weaken its foe and potentially open a yet another front in its proxy war against it, a front that might prove invaluable if direct hostilities were to break out along the 912-kilometer armistice lines between the two countries. As I noted in May to a joint hearing of this Subcommittee and the Subcommittee on International Organizations, Human Rights, and Oversight, the Ogaden National Liberation Front (ONLF) and the Oromo Liberation Front (OLF) have received support from the single-party PFDJ regime for their activities within Ethiopia for at least a decade. More recently, Eritrean President Isaias Afewerki has also spread his largesse to other opponents of his nemesis, Ethiopian Prime Minister Meles Zenawi, including the Afar National Democratic Front (ANDF), the Ethiopian People's Patriotic Front (EPPF), the Gambella People's Liberation Force (GPLF), the Southern Ethiopia Peoples' Front for Justice and Equality (SEFJE), and the Tigray People's Democratic Movement (TPDM)—all of which have staged high profile attacks on Ethiopian government forces or installations in recent months.

However, presently it is in Somalia where the Eritrean regime's destabilizing influence is most exercised and the reason that the Assistant Secretary of State for African Affairs announced two months ago that a dossier was being assembled with a view toward formally designating the country a "state sponsor of terrorism." Last month Asmara hosted to a "Congress for Somali Liberation and Reconciliation" which led to the formation of a new umbrella group calling itself the "Alliance for the Liberation of Somalia" (ALS). It should be noted that not all the members of the Somali opposition alliance are Islamists, much less Islamist terrorists, although it appears that militant Islamists form the core of the movement. In addition to hard line Islamist ideologues like 'Aweys, the ALS includes clan chieftains like Husayn Mohamed Farah, a.k.a. "Aydiid Jr.," a onetime U.S. Marine who is the son of General Mohamed Farah

Aydiid of *Black Hawk Down* infamy; political opponents of the TFG like its deposed parliamentary speaker Sharif Hassan Sheikh Adan; as well as more moderate Islamists like Sheikh Sharif Sheikh Ahmad, who was chairman of the ICU during its rule in Mogadishu and who was named executive head of the ALS. On the one hand, this disparate group seems to have little in common other than a desire to drive the TFG from Mogadishu: one indication of its ramshackle nature was that the congress's conclusion, it elected no fewer than 191 members to the "central council" to be chaired by former TFG speaker Sharif Adan. On the other hand, there is also the possibility that we are witnessing the birth of a pan-Somali alliance consisting of elements from throughout the Horn with the potential for destabilizing the region.¹

The real problem is that the conflict the Eritrean-backed ALS will foment in Somalia also creates an ideal operating space in for Islamist terrorists like 'Ayro and Fazul Abdullah Muhammad, a long-time member of al-Qaeda in East Africa who figures on the FBI's "Most Wanted Terrorists" list with a \$5 million bounty on his head for his role in the 1998 bombings of the U.S. embassies in Dar es Salaam, Tanzania, and Nairobi, Kenya; as well as Hassan Abdullah Hersi al-Turki, an al-Itihaad veteran who is reputed to lead al-Qaeda's East Africa cell; Mukhtar Robow, a.k.a. Abu Mansur, the former deputy defense minister of the ICU who fought with the Taliban in Afghanistan; Issa Osman Issa, another al-Qaeda member wanted for his role in the East Africa embassy bombings; Ahmad Abdi Godane, an al-Shabaab leader trained by al-Qaeda in Afghanistan wanted for his role in the murders of Western aid workers in the Republic of Somaliland; and Ibrahim Haji Jama, a.k.a. "al-Afghani," another al-Shabaab leader who trained with al-Qaeda in Afghanistan and is a veteran of terrorist campaigns there as well as in Kashmir and in Somaliland. While the Ethiopian intervention last year disrupted al-Qaeda's effort to establish a base of operations in Somalia, renewed conflict could give the terrorists another go-around.

(When it is not stirring up trouble abroad, the Eritrean regime is busied itself maintaining an ironclad grip on its citizens at home. According to Freedom House's *Freedom in the World 2007* country report, Eritrea is "not free," scoring an abysmal 7 on political freedom and 6 on civil liberties—the scale is 1 to 7, with 1

¹ See the image (Exhibit 1) of ONLF leader Admiral Mohamed O. Osman (Ethiopia) meeting with former TFG parliamentary speaker and current ALS central council chair Sharif Hassan Sheikh Adan (Somalia) and the Eritrea-based Somali militant Sulciman Roble.

corresponding to the highest and 7 the lowest level of freedom. For all its problems, neighboring Ethiopia is at least "partly free" and scoring 5 on both indices. Arbitrary detentions, torture, and political arrests are common. Non-governmental organizations are severely restricted and some categories of civil society organizations, like international human rights groups, are prohibited altogether; the last three international development NGOs working in Eritrea were expelled in 2006, a year after the U.S. Agency for International Development (USAID) was kicked out.

Eritrea also enjoys the dubious distinction of being one of only eight nations singled out for designation by the U.S. State Department as "countries of particular concern" with respect to international religious freedom (the others are Burma, the People's Republic of China, Iran, North Korea, Saudi Arabia, Sudan, and Uzbekistan). Since 2002, the PFDJ regime has banned all religious denominations except for Islam, the Eritrean Orthodox Tewahedo Church, the Roman Catholic Church, and the Evangelical (Lutheran) Church of Eritrea. Members of other faiths are forbidden to worship in the country, even in private homes. However, being a "legal" denomination is no guarantee of religious liberty: in 2006, the regime deposed and arrested the octogenarian Patriarch of the Eritrean Orthodox Tewahedo Church, Abune Antonios, who had been critical of its interference in internal church matters. The patriarch has not been seen since, although Eritrea's ambassador in Belgium recently claimed, preposterously, that he had retired to an isolated monastery. Despite the denunciation of the ecclesiastical *coup d'état* by Coptic Pope Shenouda III, head of the mother church of Alexandria who had consecrated and installed Abune Antonios only three years ago, President Isaias used the feast of Pentecost this year to install on the patriarchal throne a more pliant prelate, Dioskoros.)

THE OGADEN CONFLICT

Thus the conflict in Ethiopia's Somali Regional State does not occur in a vacuum, but rather takes place within a dynamic regional context. Whether its newfound operational sophistication is directly attributable to Eritrean or other external inputs or not—and irrespective of historical or other justifications which might be advanced for its activities and which are beyond the scope our inquiry this morning—it is a fact that the ONLF has managed to escalate the long-

simmering conflict in the last six months. It is my conclusion and that of other analysts that at least 2,000 ethnic Somali fighters, trained and armed in Eritrea to fight alongside the Islamic Courts Union forces last year and documented by the UN Monitoring Group at the time, subsequently entered the Ethiopia after the Islamists were routed at the beginning of this year and linked up with the ONLF forces already operating there.

With respect to the ONLF, it should be noted that it does not necessarily represent all ethnic Somalis in the region which is sometimes incorrectly known as "the Ogaden." The nature and extent of the group's base is difficult to determine and subject to no little dispute. What is certain is that there are ethnic Somali sub-clans in the region whose members the ONLF clearly does not represent as well as sub-clans, particularly among Ogadeni lineages, which have considerably closer ties with the eponymous group. The fact is that the total population figures for the geographical area in question are highly contested, much less the breakdown of any aggregate figures into non-Somalis and ethnic Somalis and, among the latter, non-Ogadeni lineages and Ogadeni lineages—and then, among the last-mentioned, those for whom the ONLF speaks and those who reject its claims to being their political representative. (To cite one example, the members of the Somali-Ethiopian Peace and Development Agency (SEPDA), which pursues "the attainment of peace, economic development, promotion of democracy and respect for human rights in the Somali Region of Ethiopia," are Ogadenis who pledge to "not let the ONLF obliterate the future of our people.")

In any event, on April 24, the ONLF's "Dufaan" unit launched a massive attack on an oilfield in Abole (also known in Somali as "Obala"), about 120 kilometers from Jijiga, the capital of the Somali Regional State. The oilfield was being worked by Chinese firm, the Zhongyuan Petroleum Exploration Bureau (ZPEB), on behalf of South West Energy, a Hong Kong-based company with a license to explore for oil in a 21,000-square kilometer basin in Ogaden. ZPEB was undertaking the same sort of seismic surveys that it has done throughout Ethiopia for a number of prospecting oil companies since 2003. During the fifty-minute firefight that broke out between the ONLF fighters and Ethiopian soldiers guarding the oil workers when the attackers opened up on the workers'

camp, nine Chinese and sixty-five Ethiopian guards were killed.² Seven other Chinese workers were kidnapped before the ONLF force withdrew. The prisoners were subsequently turned over to representatives of the International Committee of the Red Cross after the government of the People's Republic of China reacted strongly against what it called an "atrocious" attack and immediately dispatched a delegation to Addis Ababa (military analysts have not been slow to note that the official communiqué from the Ministry of Foreign Affairs in Beijing mentioned the "delegation" undertaking "rescue efforts," rather than "negotiations to secure release").

It should be acknowledged that ONLF had long been on the record as opposing the oil concession and other international development projects in the region that were based on accords with the Ethiopian government. Also, this ZPEB facility—not unlike all-too-many Chinese natural resource extraction enterprises in Africa—was apparently characterized by abusive labor conditions which, no doubt, accounted for local antipathy that translated into tacit, if not active, assistance for the attackers.

In response, the Ethiopian government has undertaken major counterinsurgency operations in the region and imposed, since May of this year, a trade blockade which exacerbated the humanitarian situation of the region's population which, given their pastoralist economy, is particularly vulnerable. According to participants at a recent seminar convened at Chatham House, the cumulative impact of commodity food prices doubling and livestock prices halving is the effective price of basic staples has increased 400 percent in recent months. There are allegations, denied by the Ethiopian government, that having created food dependency through the blockade, it is now selectively lifting it in a manner which favors certain interests to the detriment of others. (Similar accusations, likewise denied, are leveled against the ONLF for likewise abusing food aid and not respecting the neutrality of international intergovernmental and nongovernmental relief organizations.) There have been reports

² In addition, thirty local Somali Ethiopian civilians lost their lives. While human rights violations attributable to the Ethiopian government have been widely disseminated, those for which the Ogaden National Liberation Front is responsible are less reported. To balance the record, a partial list of civilians killed in ONLF actions is appended to this statement. (The civilians whose names are listed all hail from Ogadeni lineages.)

The truth in the so-called "Ogaden" region is hard to come by. In July, the International Committee of the Red Cross was accused of aiding the rebels and expelled. A number of NGOs, including the Dutch branch of Médecins Sans Frontières, have reported difficulties with access. Even the United States, despite our close security partnership with Ethiopia, has been effectively excluded from the area: the "hearts and minds" humanitarian initiatives of the Combined Joint Task Force-Horn of Africa (CJTF-HOA) have not been able to undertake any projects in the region for over a year. Thus even our information on actual circumstances on the ground is very limited and almost any assertion concerning the region, including basic data like population, is subject to contestation. With all due respect to my esteemed fellow witness, it should be noted that within the Ogadeni diaspora the line between civilian non-governmental organizations and political-military actors is a very fine one that is often very difficult to distinguish.³

The irony of this is that, at least on paper, all the elements necessary for composing the political differences in the conflict are already present. The 1994 Constitution of the Federal Democratic Republic of Ethiopia is a remarkably progressive document. Unfortunately, as my colleagues on the panel have testified, its observance has left a great deal to be desired. Responsibility for this impasse lies not only with the government in Addis Ababa and the ONLF, but also with external forces with a stake in prolonging the conflict, including the Eritrean regime and the Somali Islamists.

U.S. SECURITY CONCERNS

The most significant national interest at stake for the United States in this complex context is to prevent al-Qaeda (or another like-minded international terrorist network) from acquiring a new base and opening a new front in its war against us and our allies. This is certainly the danger posed by Eritrea's dangerous sponsorship of anti-Ethiopian forces which include elements clearly linked to al-Qaeda and other jihadist movements.

³ See the image (Exhibit 2) of Sadiq Abdirahman of the Ogaden Human Rights Committee (U.S.A.) with ONLF chairman Admiral Mohamed O. Osman; Sheikh Abdalla Ibrahim, onetime leader of the Western Somali Liberation Front (WSLF), a predecessor and ally of the ONLF; and General Abdullahi Mukhtar, a member of the ONLF Central Committee.

In the long term, our objective of a stable and secure Horn of Africa is best achieved if the countries of the subregion and their peoples are secure within their boundaries and without, benefiting from the rule of law, governed by leaders accountable to their electorates, and enjoying the prospects of development. However, if we are to have any hope of getting there from where we are today, have to be careful to avoid the path of expedience: far from being our friend, our enemy's enemy may not necessarily share our intermediate, much less long-term, interests.

This being said, we also do not have complete freedom of choice in our partners either. The fact is that Ethiopia is one of the most important African partners in America's counterterrorism efforts. The country has benefited from the capacity-building East Africa Counterterrorism Initiative (EACTI). The Terrorist Interdiction Program (TIP), which is designed to identify terrorists and hinder their movement across borders, is operative in Ethiopian airports. All this is more than can be said for other countries in the Horn of Africa. This partnership stands as another milestone in the long history of security cooperation between our two countries. During the first half of the Cold War, Ethiopia was not only a critical linchpin in America's anti-Soviet containment regime along the southern tier of the Middle East—the Kagnev communications facility, for example, was highly valued by the U.S. military as part of its global radio system—but an Ethiopian contingent fought alongside U.S. forces in the Korean War (the unit, dubbed the "Kagnev Battalion," was attached to the 7th Infantry Division and fought in a number of engagements, including the famous two battles at "Pork Chop Hill"). However, old friends, if they have any maturity, should be secure enough in their relationship to also be frank with one another.

While respecting Ethiopia's proud history of independence, we have to encourage all stakeholders, especially the country's government, to make progress on social, economic, and political issues. Neither we nor our partners can afford to pursue short-term objectives in a manner which creates a facilitating environment for extremism and ultimately, terrorism. As the 2002 *National Security Strategy of the United States of America* rightly acknowledged: "Poverty does not make poor people into terrorists and murderers. Yet poverty,

weak institutions, and corruption can make weak states vulnerable to terrorist networks and drug cartels within their borders."

Furthermore, despite Eritrea's frustrating role as the regional spoiler, a renewed conflict between Ethiopia and Eritrea benefits no one except the Chinese arms merchants who have sold an estimated \$1 billion in arms to the two sides and the terrorist forces which will exploit the ensuing chaos to their own advantage. We have to exert every effort to prevent war from breaking out, not only because of the incalculable humanitarian toll that the fight would exact on the peoples of the Horn, but of the severe damage to our security interests that it would entail.

THE SOMALILAND EXCEPTION

I would be remiss if I did not avail myself of this opportunity to raise the question of the remarkable reemergence of the Republic of Somaliland amid the ruin of Somalia and multiple conflicts wracking the Horn of Africa. With the collapse of the Somali state, the Somalilanders reasserted their independence and created a functional government, complete with all the accoutrements of modern statehood save, alas, international recognition.

While a full discussion of the case of Somaliland is beyond the scope of the present hearing, neither is it divorced from it. Surely if America's national commitment to support and strengthen democracy as a bulwark against extremist ideologies and terrorist violence has any real-world application, it is certainly the case here. The point I made at last year's hearing on the expanding crisis in the Horn of Africa is even truer today: "The people of Somaliland have made their choice for political independence and democratic progress. While they have stumbled occasionally along the way, their efforts deserve encouragement through the appropriate economic, political, and security cooperation—which, in turn, will anchor Somaliland within America's orbit as well as international society." I would only add that such small steps would also show the countries and peoples of the subregion our resolve to reward progress as well as give the lie to those argue that our anti-terrorism and pro-democracy objectives are not subterfuges for an anti-Muslim agenda (Somaliland's population is almost exclusively Sunni Muslims and the *shahādah*, the Muslim

profession of the oneness of God and the acceptance of Muhammad as God's final prophet in emblazoned on its flag). It would also secure the one part of the onetime Somali Democratic Republic that has managed, at considerable cost, to keep itself aloof from maelstrom increasingly spinning out of control (just two weeks ago, armed forces from the Somali region of Puntland opened fire on Somaliland security forces northwest of Las Anod in the Sool district).

CONCLUSIONS

I hope that I have been able to sketch out some of the regional dimensions of influencing the human rights and humanitarian conditions in the Somali-inhabited regions of Ethiopia, Somalia proper, and the Horn of Africa in general. The crisis begins in the former Somalia, but it presents challenges and opportunities to the countries and peoples of the entire subregion as well as to the international community, and, ultimately of greatest concern to us as Americans, to the United States. Human rights and democracy cannot be promoted in this geopolitically critical area if the lack security and stability presents governments with all-too-tempting or convenient pretenses to abridge them. On the other hand, without improving the social, economic, and political environment that allows terrorists, local or international, to operate in the area and manipulate long-suffering indigenous populations for their own radical ends, all the security resources in the world are for naught. To this end, permit me to offer several recommendations:

- (1) If, as I noted at the beginning, "most salient feature of the contemporary geopolitical landscape of the Horn of Africa" is the ongoing statelessness and chaos in the territory of the former Somali Democratic Republic, with their accompanying human rights and humanitarian costs as well as the potential for terrorist penetration and the spread of conflict throughout the region, then the international community must devote the attention and resources necessary to help the people of Somalia rebuild a stable political base. This means encouraging within Somali society inclusive dialogue of all stakeholders willing to renounce violent recourse. It also means making recognition of the TFG—the only coin it really has—conditional on the would-be interim regime

meeting clear benchmarks, including respecting the rights of its prospective citizens and actually proving itself an effective government, rather than simply according it legitimacy. After all, thirteen transitional arrangements have come and gone. Pulling the plug on the life support of another one that fails to live up to its promise should not prove particularly difficult.

- (2) The United States Government should make clear that it remains committed to the international accords governing relations between states in this geostrategically vital subregion, including the Algiers Agreement on the demarcation of the Eritrea-Ethiopia border, as the basis for security and stability in the Horn of Africa. Of course, support needs to be concrete, including real resources for the demobilization and reintegration of forces as well as the restoration of traditional regional trade patterns and the development of new opportunities for economic integration.
- (3) We should likewise make clear that America will not look kindly on any escalation of conflict, whether through direct military action or indirectly through state sponsorship of or activities carried out by organizations and individuals—whatever their name and irrespective of their grievance—that gives terrorists a greater opening into the region. We ought to encourage peaceful competition through electoral processes and, where absolutely necessary, even support nonviolent resistance; we should never reward armed violence, especially by non-state actors.
- (4) We should make our non-humanitarian aid to all parties in the region—those with whom we currently have partnerships as well those with whom we may enter into relations at some future point—conditional on their receptivity to the range of concerns that the United States has, including counterterrorism and security cooperation, respect for fundamental human rights, effective governance, and commitment to progress on democratization at home and peacebuilding abroad. Respect for the sovereignty of countries with which we interact requires neither our abandoning America's legitimate security interests nor prohibits us from

maintaining the standards by which we have traditionally judge those who would be our friends.

- (5) To these ends, the United States should be neither shy nor stingy with our assistance to promote human security writ large, including economic development and the rule of law. This will require not only that we engage the widest possible spectrum of individuals, groups, and, yes, *de facto* polities like the Republic of Somaliland, which share our objectives, but that we encourage our international partner states and institutions to do so likewise. (With all due respect, I make no apologies for constantly returning to this theme: it is to me incomprehensible that we continue to express concern about the state of democracy in the Horn of Africa while but ignoring a New York-sized region that has held internationally-monitored elections for the presidency as well as national and local legislatures. Talk of mixed signals!)

I look forward to your questions and observations. And I renew my thanks to you and the Members of the Subcommittee for the honor to come before you again today, especially alongside the members of this distinguished panel you have assembled.

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Pham

*REGIONAL DIMENSIONS OF THE
HUMAN RIGHTS AND HUMANITARIAN SITUATION
IN THE "OGADEN," SOMALIA, AND BEYOND*

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Addendum

**Partial List of Ogadeni Civilians Killed in Recent Operations
by the Ogaden National Liberation Front (ONLF)**

April 24, 2007: In addition to the Chinese oil workers and their Ethiopian guards, thirty civilians were killed in the attack on Zhongyuan Petroleum Exploration Bureau oilfield:

1. Mahad Ciise Aar
2. Mohamed Nuur Nabad-diid
3. Ahmed Mahdi Cabdi
4. Mohamed Muhumed
5. Mohamed C/laahi Faarax
6. Nuur Cumar Xirsi
7. Fadxi Dayib Muxed
8. Asad Cabdi Raasin
9. C/raxmaan Abiib Ibraahin
10. Mohamed M Gaas Dimuqradi
11. Mohamed Ahmed Nuur
12. Xasan Jaamac Cabdi
13. Mowliid Mux'ed Aadan
14. Mowliid Kayd Muuse
15. Iid Muhumed Nuux
16. Dawlad Carabeey Ahmed
17. Ina Aadan Muhumed
18. C/laahi Cumar Hul-hul
19. Cagewayne Muhumed Ahmed
20. Ahmed Cabdi Xuseen
21. Ahmed Xasan Madoobe
22. Ahmed Dhagoole Yuusuf
23. Jamaal Siyaad Furunle
24. Xabiib Mohamoud
25. Xasan Cumar Shiifoow
26. Cabdi Mohamed Ciise
27. Macalin Xasan Sh. Mohamed
28. C/rashiid Qabri-Dahar
29. Mohamed Yuusuf
30. Ina Gaacuur Cali

May 28, 2007: An ONLF grenade attack on a cultural gathering in Jijiga killed four middle school students:

1. Ahmed Mohamed Aftaag
2. Abdiwali Mohamed Tufuh
3. Ahmed Mohamoud Bucul
4. Lcyla Sharif Hassan

May 28, 2007: In a separate attack, fifty civilians were injured, including the regional president Abdullahi Hassan, and three artists were killed:

1. Abdi Kaamil Awale
2. Aw-Ganbad
3. Kalid Nur

July 1, 2007: An attack on the town of Dobaweyn in Korahey region left ten civilians dead, including two schoolteachers and a pregnant woman:

1. Muhumed Abdi Dol
2. Sigale Usman
3. Dilif Mahamoud Usman
4. Abdirahman Allele
5. Aydid Gallery
6. Abdulahi Abdisamad
7. Mohamed Guled (Gamacur)
8. Dubad Barkab
9. Kabe Umar Un-un
10. A young daughter of Sheikh Isman

September 20, 2007: An attack on the town of Shilabo left five civilians dead:

1. Duulane Guuleed Carab
2. Aadan Mohamed Cashuur
3. Kaamil Kaydsane Ishaar
4. Saynab Ali Curxan
5. Duulane Ali Xagaa

September 21, 2007: An ONLF-planted landmine near Aware in Dagahbour region exploded, killing three civilians traveling in automobile:

1. Dayib Abaade
2. Guled Abdi Dheeg
3. Anab Hirsi-Jini

September 25, 2007: An attack on another vehicle near El-Har, just outside of Kebridahare, destroyed the vehicle, killing two civilians:

1. Dhadoon Abdullahi Nur
2. Mohmaed Mohamoud Dahir

September 27, 2007: An ONLF unit attacked district of Lahelow nearby the Ethiopia-Somalia border, targeting members of the Isma'il Cum'adle sub-clan, twelve of whom were slain:

1. Jamaal Garaad Haashi
2. Gooni Gaydh Muhamed Ereg
3. Ali Nuur Mohamed
4. Ahmed Atoobe
5. Faarah Sahardiid Gabay

Pham

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6. Aadan Abdulaahi Diiriye
7. Faarah Qawdhan Aadan Cade
8. Carab Istabool Biihi (Guuleed Hagoog)
9. Nadiir Ahmed Hirsi
10. Awaale Ali Guray
11. Abdirahman Carab Maxamed Guure
12. Abdinuur Goofadhe Gasay

* * * * *

Exhibit 1

Leaders of the "Alliance for the Liberation of Somalia" Meeting in Eritrea (June 2007)



(From left to right) Suleiman Roble, organizer of the "Congress for Somali Liberation and Reconciliation" in Asmara, Eritrea; Admiral Mohamed O. Osman, chairman of the Ogaden National Liberation Front (ONLF); and Sharif Hassan Sheikh Adan, former Transitional Federal Government of Somalia parliamentary speaker and chairman of the Central Council of the "Alliance for the Liberation of Somalia" (ALS).

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Exhibit 2
Ogadeni Leaders Meeting in Finland (August 2007)



(From left to right) General Abdullahi Mukhtar, a member of the Ogaden National Liberation Front (ONLF) Central Committee; Sheikh Abdalla Ibrahim, onetime leader of the Western Somali Liberation Front (WSLF), a predecessor and ally of the ONLF; Sadiq Abdirahman of the Ogaden Human Rights Committee (U.S.A.); and ONLF chairman Admiral Mohamed O. Osman.

Ms. WOOLSEY. Thank you. And I thank all of you. Dr. Pham, since you were the last one up you get to be the first one to answer questions. My question to you, Dr. Pham, your testimony is a little bit confusing. You seem to be suggesting that the Government of Ethiopia is not responsible for human rights abuses or humanitarian accesses in the Ogaden and Somalia because it is fighting a proxy war with Eritrea.

So what does that have to do with whether the United States should have a principle stance in advocating humanitarian access and in respect to human rights in Ogaden and Somalia?

Mr. PHAM. I apologize if in the summation it did not come out clearly. It certainly is in my written testimony. My position is actually that there is a problem in the Ogaden. No one is denying it, least of all myself. I mention—in fact I go into detail about the problem created by the trade blockade that has occurred disrupting patterns of life. So certainly those need to be reopened.

What I am saying, however, is that unfortunately the root of instability is not in Ethiopia. It begins in Somalia which gives the government the pretense to carry out some of its actions, and some of its actions—not the humanitarian blockade, not human rights abuses—but some of the actions it has taken are understandable within that broader dynamic of cooperation between terrorist groups in Somalia with members who are operative in Ethiopia.

So one cannot solve any aspect of this problem I am trying to get at without looking at the regional dynamic. One has to deal with Eritrea, Ethiopia, Somalia, all together as part of one continuum because otherwise we kind of hop around the fire, stomping it here and then it crops up there. It does not mean we do not put out fires. We just have to put it out across the entire area that is ablaze.

Ms. WOOLSEY. Okay. Well, then I am going to just make a statement. I hope your addendum and your list that you added to your statement, I hope that it also includes what has happened because of the Ethiopian security forces, what they have done on innocent human rights abuses in the region and not just what happened in Ogaden. I think I am saying that right. Am I saying it right? Okay. I said it as best as I can. I am not the chairman. I do not understand the question obviously. So that question what I am saying is we hope your list is inclusive, not selective.

Mr. PHAM. The list was not meant in any way, Madam, to be exhaustive. Looking at the panel I presumed and I think correctly that there are others better qualified to speak about the abuses of the Ethiopian Government and Human Rights Watch has certainly done tremendous work documenting it. So I filled in what I thought would be the missing element there, and it is certainly not meant to be exclusive.

Ms. WOOLSEY. Okay. Thank you. Mr. Zia-Zarifi, the administration has repeatedly told Congress that the Ethiopians do not respond well to public pressure. That the State Department officials seem to believe that quiet diplomacy on issues such as democracy and human rights is much more effective than public statements. Do you agree with that assessment? Are you at all concerned that if the United States takes a public stance in support of human rights and humanitarian access that it will actually have a harmful

effect on the very people that we are trying to help? And I have a little addendum to this, and if we cannot trust what Human Rights Watch is saying, who can we trust?

Mr. ZIA-ZARIFI. Thank you, Madam Chair. Let me retroactively ask that my full statement be entered into the record since I summarized it.

Ms. WOOLSEY. Without objection so ordered.

Mr. ZIA-ZARIFI. The United States has said that it is pursuing a policy of quiet diplomacy. This has in effect has been a policy of silent diplomacy. We really believe, I think as I have characterized it, it has been all carrots and no sticks, and there is certainly no reason to believe that the Ethiopian Government is unlike any other government on the planet, and sometimes even with our closest friends we have to engage in critical dialogue, and that is what is very sorely missing.

We do believe that raising these issues publicly and quietly with the Ethiopian Government would be productive. I think at this point it is essential for them to understand that their behavior will implicate their relationship with the United States and will have a negative impact on the United States, and that that type of communication will have a salutary effect on the ground.

I should also point out that given the level with which the United States is now viewed as implicated in the activities of the Ethiopian Government on the ground that in terms of how the United States is perceived in the region it probably behooves the United States just to make sure that it is publicly understood that the United States does not support the Ethiopian Government's actions.

I thank you for your support for Human Rights Watch. I would like to just again make sure that our research in the Horn as is everywhere else is based on intensive field work and interviews with hundreds of victims and witnesses, and in this case what we have seen and what we are seeing right now is an ongoing and deepening crisis, and so we are alarmed by any indication from the administration that says that the problem is not confirmed.

We are alarmed by any indication that they will have to wait. How much worse can it get? We cannot afford to have another Darfur-like situation in Africa before the administration takes a stronger line.

Ms. WOOLSEY. Thank you again, and now Mr. Smith.

Mr. SMITH OF NEW JERSEY. Thank you very much, Madam Chair. Let me just thank this very distinguished panel for providing the very good, incisive commentary. It helps this committee enormously to have your very reasoned thoughts. So I want to thank you on behalf of all of us. It really does help us to know what is really going on, on the ground.

And Dr. Nega, thank you for your persistence. Two political prisoners on one panel. That is quite an important statement I think on the part of this subcommittee how much we are in solidarity with those who are being falsely and wrongly incarcerated and mistreated by the Meles government.

I asked Secretary Jendayi Frazer earlier in the hearing how many political prisoners, how many detainees does the U.S. Government estimate the Meles government continues to hold, and I

am wondering if any of you have any estimate, a range, a precise number perhaps—I know that is very hard to come by—that you might provide to the subcommittee so that we have a sense as to what the situation is on the ground.

Ms. MIDEKSA. Before I try to put the figures I have, I would like to explain what is going on during the negotiation about our release. During our release, elders told us that there is a secured agreement on the side of the government to release all political prisoners who are charged and jailed in relation to the election 2005. We reached an agreement based on that period I think, but after we get released, that is not happening. Only 71 members, maybe the leaders I could say are released. The elders were trying to get that promise implemented, but I do not think they are having a good gesture from the side of government.

But based on our information, we have about 100 political prisoners who are charged with crimes in relation to the 2005 election and CUDP party. Besides as I have already mentioned in my presentation, there are also civil society leaders that are yet jailed, and it is Ana Dempsey and Daniel Picala.

We believe also the case in the regions could be similar. We are having some investigations but we did not get exact figure for the timing. Thank you.

Ms. WOOLSEY. Dr. Nega.

Mr. NEGA. If I am allowed, I want to comment on the question that you asked earlier Dr. Pham in relation to the degree to which pressure on governments work, and one of the most fascinating things that we hear always from African governments is this protestation that pressures do not work. They do work. In fact, more than anything else, even more than quiet diplomacy, serious coordinated and well-targeted pressures do work.

One of the problems of putting sufficient pressure on Ethiopian Government during the massacre of hundreds of people in 2005 was the lack of coordination between the United States and the other supporters of the independent movement. In fact, the EU was very adamant in taking strong position to punish the Ethiopian Government for what it has done. It was the United States Government that was prohibiting or at least allowing not only that pressure which gave room for the Ethiopian Government to maneuver its way out of the problem.

If pressures do not work, why would the Ethiopian Government pay hundreds of thousands of dollars to hire lobbyists to influence this Congress? I mean, protestations are something but we know as a matter of fact for countries such as Ethiopia if the pressure is put to bear on reasonable grounds, on grounds on issues of principle that the government itself claims to uphold, I mean, all the question that the Ethiopian Government is asked is to implement its constitution, and that is what it refuses to do.

And I think pressure to do that, especially if it is going to help to avoid a looming crisis which I believe there is a strong crisis, there is a gathering storm in Ethiopia. I mean, if all the small conflicts in the various regions build up, as they will, and insofar as the government's belligerence continues they will, there is no other way. Then the danger for the country in the region is really, really quite serious.

But the other issue I think what one must concentrate as for Congress is when the issue of pressure is applied. You put pressure not only because you would see an immediate effect on it. It is also because you do not want to be part of that problem. I mean, by supporting the Ethiopian Government and by supporting its brutality in any form, you would be to a certain degree, if not by commission by omission, part of that problem.

I mean, we have enough in our plates to fight a dictatorship that we think is not only in the interest of Ethiopia but in its benefit to resolve peacefully and through negotiations. Not to do that would put the United States in a larger difficulty as time passes, but it becomes very difficult for us who are in the democracy movement to also fight the United States when you hear statements that we are hearing from.

I mean, I am absolutely flabbergasted when the United States representative in Addis came to Kality and asked me to abrogate my position as mayor in order to provide stability to the Ethiopian Government. I mean, when you have that kind of statement coming from the United States Government, then you have a very, very serious difficulty in that.

Ms. WOOLSEY. Thank you, Doctor. Half of your time was taken answering me so go ahead.

Mr. SMITH OF NEW JERSEY. Thank you very much. Let me ask you if you can, Secretary Frazer said that the release of the 71 leaders during the summer significantly enhanced dialogue and reconciliation in Ethiopia, and your sense of whether that is an understatement, overstatement or about right?

She also said that the U.S. has seen allegations of human rights abuses conducted by all parties, including reports of burned villages and population displacements. We deal government-to-government; and with groups that we either like or dislike or are neutral on, then, yes, we will raise issues about them but we deal with governments. That is to whom we provide foreign aid, that is with whom we have a relationship, diplomatic and otherwise.

And I am wondering if that kind of statement says, well, everybody is wrong. Therefore, we are not going to engage ourselves one way or the other except to say we support a human rights abuse investigation and so on and so forth. I think it takes some of the pressure off the Meles government, at least that is the sense I got, but the reconciliation issue, whether or not the release of the 71—you should want to speak to that Doctor because you are one of them—and then if you could also speak, Mr. Zia-Zarifi, about the issue you talk about in your recommendations, about how we need to fully ensure that the provisions of the law are followed up on.

I, as you recall, asked questions regarding whether or not U.S. training and whether or not U.S. support of any kind is any way complicit in any of these atrocities. I have always been concerned that we do not track people that we train, and if we do, I cannot wait to see where and how because very often when I ask those questions, I get redacted copies of who it is that we trained from our administration, and that would include the Clinton administration as well.

So I wonder if you could speak to that, are there any allegations of U.S. trained personnel committing atrocities? I know that is very

hard to come by. They do not walk around with nameplates on, and we do not publish who it is, what colonels, lieutenants, captains or anyone else that we trained, but are there allegations of U.S. complicity, wittingly or unwittingly, in that kind of human rights abuse on the ground?

And again, I did not get a clear picture from all of you about the issue of how many people are we talking about. If anyone has any numbers, it would be very helpful, and maybe they are just hard to come by.

And on the demonstration killings, that is another very potent way of getting people to be compliant and obviously a gross human rights abuse. The rape that you spoke to earlier that Human Rights Watch has been able to document is an atrocity that is reminiscent of the ongoing problems in Darfur and every other place where genocide happens, as I think you pointed out so well.

Most people forget genocide is in whole or in part. You do not have to completely obliterate a people and in part certainly seems to be what we are talking about here. If you could, if you would, speak to the issue as to whether or not the U.N. Human Rights Council has looked at this genocide issue, and whether or not an attempt has been made. We have a convention on genocide and a panel of experts empowered by the U.N. and the international community to look into those issues. Have they taken this up as well?

Ms. ABDULKADIR. Thank you, Ranking Smith. One of the things that I wanted also to mention when I was submitting my testimony is in two parts, the one I was reading as a paper and the 2007 Ogaden human rights report which I have sent on Friday. In it there are lists of names of people that have disappeared, that have been killed, that have been jailed, that have been kept incommunicado for a long time. So there is definitely that.

The additional thing that I would like to highlight with regards to your previous question about the numbers is the Ogaden has been cut off from everybody for awhile. So it has been really hard for us researching and sending people to risk their lives to talk to these people and document. So the numbers at the thousands when you talk to people on the ground in the Ogaden and they say to you, "Yes, few people have been released but we fear that the jails are being emptied so that they can be filled with Ogadenese."

And the jails in the major cities in Ogaden, like Kabridari and Legahabur and Gigigia and Fiel are overcrowded, and they are also creating further health risks because they are really substandard. So with regards to numbers, they are the thousands.

Whether we have had a chance to really have anybody investigate this, we were really happy to see the recent U.S. fact-finding mission, a United Nations fact-finding mission. We are hoping that maybe the U.S. will also send another fact-finding mission.

What we are hearing in the Ogaden, we produce reports that are 70 pages on a yearly basis as sort of like the scratch on the surface. There is much more. And here is a region that is 10 times the size of New Jersey that has been isolated from the international community and from recently the Red Cross and Médecins sans Frontières.

So the Meles regime as well as previous regimes have really been successful at isolating this group of territory and really cutting off.

So we have been suffering in isolation and it is recent that we are welcoming that it is being at least noticed and we are here today. So the numbers are, sir, in the thousands, and we need to do more to really follow up as to what it is that is taking place in terms of crimes against humanity and in terms of genocide because there are and they can be corroborated.

I had no idea what the Human Rights speaker was going to say today when I did my research but there seems to be so much similarities and corroborated evidence here that is documenting there is human rights violation. There are crimes against humanity, and there are definitely elements of genocide that needs to be pursued further. Thank you, sir.

Mr. SMITH OF NEW JERSEY. Thank you.

Mr. ZIA-ZARIFI. If I may, we have come across allegations that U.S. trained troops and certainly equipment may be involved but certainly the perception of that link is quite high. We share your frustration with the failures of the Department of Defense and the State Department to always provide information adequate to implement the Leahy law.

We have had this problem in Indonesia most recently but we continue but this is something that we believe that even within the parameters of current United States policy the State Department can do a much better job of pressing the Ethiopian Government to assure this Congress that in fact United States military training and equipment are not being used to perpetrate the very serious war crimes that we have seen.

In terms of the numbers of prisoners, I actually—thanks to the marvels of modern technology—used my Blackberry to ask my colleagues to see how many there were. By and large we have heard the same thing. It is important to point out that in addition to those who are detained as mainstream opposition there are hundreds, mostly of young men, who are detained on very flimsy accusations of being members of the OLF or the ONLF or other members but as you pointed out, it is impossible for us to know exactly what the numbers are.

Let me quickly come back to the issue of parity between the culpability of the different sides. Human Rights Watch has absolutely documented violations by the ONLF, including extrajudicial murder and of burning villages and of endangering civilians. There is no question that the ONLF does not operate with clean hands.

However, as you pointed out, it is the Ethiopian Government that is by and large the beneficiary of the United States' largesse. It is the government there, and to that extent holds itself as an international sovereign and has obligations of its own. But again to look at it from a simply practical point of view, it is very difficult for us to successfully engage with the ONLF, to criticize them and to try to get them to change when abuses by the Ethiopian defense forces are so rampant and seem to be so widely accepted by the United States.

It is a false view apparently posited by the Ethiopian Government and accepted by the United States that a counterinsurgency campaign and respect for human rights are mutually exclusive. It is our experience around the world that a solid human rights record is absolutely part of a successful counterinsurgency cam-

paign, and we would like to see the Ethiopian Government stand by its obligations so we can make sure that we can get the other parties also to follow through. Thank you.

Mr. NEGA. Two issues. The first one relates to the number of prisoners. I understand how frustrating it must be, Congressman, but you must understand we are living in a country where we do not even know our war dead. I mean, we are living in a country where since the Ethiopian army fought the Eritreans, we do not know how many of our soldiers have died. In Somalia, I mean, according to official government sources, there is no one who have died. I mean, it is a Teflon army that we have.

Mr. SMITH OF NEW JERSEY. Would the gentleman yield? The bill will be coming up in about 10 minutes, so I have to go to the floor to manage it on the Republican side, but I will read what you say, and I do appreciate all of you, and I thank the gentlelady for her indulgence and the extra time.

Mr. NEGA. So it is a very frustrating exercise to find out exactly how many people are in prison. So it is the nature of the secrecy of the government that does this but the more important issue is the issue of whether there is an ongoing dialogue between the opposition and the government as the Secretary seems to allude in her presentation.

I was sitting in the back and I was completely flabbergasted when I heard that statement because as far as we know there is no dialogue whatsoever between the Ethiopian Government and the opposition. In fact, the Ethiopian Government even in the preliminary argument understanding that we had with the elders which requires some kind of beginning of dialogue was completely reneged before we even got out of prison.

I mean, the government simply refused to consider that there was any argument for dialogue. In fact that is what is scary. I mean, the idea that the government believes it can continue with this belligerent attitude while the conflict in the various regions is growing, that is the danger that is looming in Ethiopia. That is why the United States rather than do this ostrich-like evasion really engage the Ethiopian Government to sit down and dialogue with the opposition because the opposition is interested. The opposition is ready for a credible, serious discussion that includes the government. So currently there is nothing.

Ms. WOOLSEY. Thank you. Now Congressman Jackson Lee.

Ms. JACKSON LEE. Thank you very much, Madam Chairwoman, and let me thank all of the panelists. I apologize for being detained in a number of meetings, and as you have heard, the good news is there are a number of legislative initiatives on the floor of the House that we are engaged in.

Let me try to pose a framework for all of you, and in the spirit of full disclosure I am very proud to represent the district that Congressman Mickey Leland once represented, and I believe that all of the Ethiopian people who are aware of him and his work regarding the famine of the 1980s are aware of his love and affection for the people of Ethiopia, and I always make note of him because I have a great deal of esteem for him, and of course have developed the same esteem and affection for the Ethiopian people.

And so I would like to have us come away from not only this session but the bill on the floor of the House with a roadmap so that we do not have to have hearings, for example, where Ethiopians or the Ethiopian Government is called gangsters. I do not think that helps anyone, and I am disappointed hearing a little bit of the summary of the distinguished Assistant Secretary who works very hard that there is such a policy that indicates that you have to engage in soft gloves or hands with gloves.

I believe, frankly, that we should all be truth tellers, and I believe that if you are in the world arena and a leading nation and Ethiopia is, it is one of the leading nations on the continent, primarily its size and its potential, then if you are in the game—as we say in America, if you are in the kitchen, you have to be able to stand the heat.

And so I am disappointed that our policy equally in the policy toward China, which is kid gloves. Let us engage but let us be firm on our beliefs. I think it does a disservice to Ethiopian Americans and Ethiopians, and I just came back from Ethiopia going into the rural areas, sitting down with people, watching or looking at the USAID projects dealing with water, very benign in terms of the political process, but trying to see how we can help people, that this is a rich and wonderful country with resources.

So I am opposed to a kid glove response, and I believe that if you are in the world then you should not be telling another nation, I cannot be talked to harshly. I cannot hear you speaking harshly because that does not help me. Diplomacy has to be harsh and firm, and let me say how grateful I am to have the two of you who have been released—one recently I understand—and we worked hard on that.

So I want to pose these questions. One, I think I can tell there are a number of Ethiopians here in this room. I have a sizable population that I listen to and meet with and should meet more often but obviously the responsibilities that we have here in Congress but I want a roadmap. I do not think we have the right roadmap.

I want a written roadmap. We have got a bill. That is great. But I want a roadmap from those of you who are here that the Congress can in its oversight role—might I use the term politely—beat up on the administration that you are not following the roadmap. And so my question now goes to this.

I will just give them out to Mr. Zia-Zarifi, and we are all getting these names, we apologize, but in any event to give us an instruction about the insurgents and the area that has the ONLF. I asked about that when I was there. Of course Ethiopia is pitched as heroes down in that area. And I do not want to see that innocent victims are being trampled.

To Dr. Nega, it is an outrage that anyone asked to abdicate the responsibility unless they have done criminal acts, and as you well know we hold onto our elected positions until death do us, and we do not expect anyone to ask us because we are of a different philosophy to give up our position. That is an outrage.

So give us an understanding of how do we push for the meetings with the opposition? That is clearly a crucial action item. Then if you can tell us—you did not seem to have the numbers—but what

is the next step for getting the others out of prison so that we can begin the next steps?

And then I think you want the same that I perceive we all want for Ethiopia, its place in the sun. The economy going strong. People having work. The opposition having the right to democratic elections. What is your—and if I could get Ms. Mideksa and Ms. Abdulkadir to answer that—what is the next step? Because you will have no quarrel from me about facing in a firm way the ills.

I will quarrel with not having the direction from the people who are impacted, and I also quarrel with name calling because what we want is an Ethiopia that is open to all, and when you say something is gangster, it suggested everybody is that, and I do not think your hard working human rights groups and opposition parties can be labeled as such. Let us work to the direction of change. Dr. Nega, if you would start.

Mr. NEGA. Thank you, Congressman Jackson Lee. The first issue in terms of a roadmap I do not know how precise you want but I can tell you what most of the opposition have been asking the government to do over the—

Ms. JACKSON LEE. The Ethiopian Government?

Mr. NEGA. The Ethiopian Government to do over the last 3 years at least or 2½ years. In 2005, when the election was stolen by the government, the opposition—at least the CUD—did not ask the government to leave power, even when we know—

Ms. JACKSON LEE. You did not ask them to.

Mr. NEGA. The government to abdicate power. In fact, we asked an eight-point proposal. We submitted an eight-point proposal which essentially says: Let us build institutions for democracy for the next election. Let us ensure that the election board is independent, and we can word together toward that. Let us ensure that the judiciary is independent. Without an independent judiciary you cannot talk about democracy and human rights.

Let us ensure that the military and the security forces are independent of parties and politics because insofar as you have the army and the military operating in support of one party then you cannot talk about democracy. Let us ensure that we have a media that is independent and that the state media operates evenhandedly to all political forces in the country. I mean, these kinds of points that we have raised which essentially is a submission for a negotiated move toward democratization.

Interestingly enough, it is not only the CUD but even the opposition that is outside the country. The opposition that have chosen because it is pushed by the government, chosen to raise arms, have agreed that these are important starting points for a negotiation with the government.

Now, if by roadmap you mean venues or how to meet or things of that sort, I mean, these are details that can be easily worked out but this is a starting point for a real negotiated solution.

Ms. JACKSON LEE. Did the U.S. help you with that?

Mr. NEGA. And the U.S. Government. In fact, if there is any government that could help, it is the U.S. Government.

Ms. JACKSON LEE. Did they help you?

Mr. NEGA. No. I mean, we have not yet clearly seen the U.S. Government actively participate in doing this. That is why in my

presentation I stated that the United States have a very significant role. It is probably the only friend that the Ethiopian Government has in terms of giving it political support.

I think the United States can put sufficient pressure on the Ethiopian Government to start credible negotiation with opposition. We are ready. I mean, the opposition is ready to have a discussion, be it inside the country, outside the country, wherever it is, insofar as these are issues about building democracy and the institutions of democracy in Ethiopia. That is all. That is all there is, and I think this is not too much to ask for any opposition in a country such as there.

The same thing with the issue of prisoners. How do you go about it? I mean, the minute we start decriminalizing politics, the minute we start to negotiate on democracy, the issue of political prisoners is to be resolved automatically. There are a lot of prisoners, as we said. In some cases we do not even know where they are because there are prisons that are not officially listed by the government where people are being put.

I mean, in the post election situation, close to 50,000 people were arrested at one time. We do not know how many of those are released, how many are still in those prisons. A full accountability of that would help, as you suggest, but providing an overall political settlement in Ethiopia through a negotiated dialogue, which the opposition including the ONLF and the others are essentially calling for is, I think, the way forward, and I think it is a very simple step.

That is why I do not agree with this making the problem in Ethiopia too complicated to solve. It is a very simple problem. It is simply the problem of democratization. That is all.

Ms. JACKSON LEE. Thank you. If I could get quickly the answers.

Ms. ABDULKADIR. Yes. Thank you very much, Madam. It is really important to start with the humanitarian suffering on the ground. So to me the women and children of the Ogaden, of all other parts of Ethiopia, are actually bearing the brunt of this suffering. So in terms of immediate steps, I think we need international intervention, and certainly that humanitarian needs to happen.

A couple of points to kind of contextualize the Ogaden with regards to a roadmap. The Somalis in Ethiopia have been historically marginalized. It is a known fact. They have never really been integrated or welcomed into mainstream Ethiopia. So Ethiopia is at crossroads today. Ethiopia was under monarchy. It was under a dictatorship that was claiming to be communist. We got an opportunity at the beginning of 1991 for a change.

So Ethiopia is in a process that it can actually transform itself from an autocratic process of governance to one that is inclusive. So in that sense I think the roadmap will have to be one that starts with a broad based consensus.

With regards to the ONLF, Madam, there is a contextual and historical thing when in 1991 the current regime came into power. Just like everybody else, the ONLF was hopeful that this is change. This is a new dawn in Ethiopia. Ethiopia that is going to be more inclusive, more accepting. They have participated in that initial processes. They have participated in initial elections and won actually over 75 percent of the votes in their region.

So they have been on the ground with TBLF when TBLF was fighting the Dirk. They came on board and tried to make it work when the new process and the new charter in Ethiopia was being delivered, and then things got derailed because Meles had no intentions of having a broad based democracy work in Ethiopia.

So I think a roadmap would have to really include an internationally facilitated dialogue between the ONLF and the regime. There has to be a third party neutral, just like the southern and northern Sudan conflict was facilitated and peace was negotiated. I think that would definitely be needed but as an immediate next steps, we need to look into the humanitarian suffering and investigate the genocide that is taking place.

Ms. JACKSON LEE. Thank you. The bill is on the floor. Can you just quickly answer my point? And I thank you, Madam Chair.

Mr. ZIA-ZARIFI. Thank you, Madam Representative. First of all, Human Rights Watch is not a political organization so all of our concerns are based on the well-being of the people. In that regard, what we would like to see very immediately is implementation of a policy of "do no harm" first by the United States. Immediately that means averting the humanitarian crisis that is about to occur. We have heard about that, and we would like to see immediate independent investigation but more important real accountability. There is no point to investigations that will just take up room on a shelf.

To move beyond that a little bit, as we have heard, there have to be conditions created conducive for genuine peace in that area. There are realistic grievances in Ethiopia that need to be addressed. In 2005, the Ethiopian people showed themselves ready and able to assert their own rights and to embrace a more representative government.

The international human rights framework is very simple, one that pushes for representative government and the rule of law, and those are I believe absolutely compatible with U.S. interests and U.S. policies, stated policy. The Assistant Secretary this morning kept speaking about the complex relationship between the United States and the Government of Ethiopia. There are a lot of moving parts in that region of the world.

We would like to see the administration conduct a full policy review for what it is doing in the Horn of Africa and explain to you and to itself exactly what its intentions are. The "war on terror," which has seemed to be the top driving force of U.S. policy, has to be reviewed, and the United States has to come up with a better answer than simply pouring money into coffers of abusive militaries, which we believe are only making the problem worse.

Ms. JACKSON LEE. Thank you so very much. Thank you, Madam Chairperson.

Ms. WOOLSEY. Thank you. Mr. Tancredo.

Mr. TANCREDO. Thank you, Madam Chairman. I have no questions, as I was not able to hear all of the testimony of the panel, and do not know the others questions, and I do not want to be redundant but thank you for the opportunity.

Ms. WOOLSEY. Okay. Thank you so very much, and I thank each one of you for your interesting, in-depth, knowledgeable testimony. And the hearing stands adjourned.

[Whereupon, at 12:56 p.m., the subcommittee was adjourned.]

